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PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

OF THE GOVERNOR OF MADRAS

OFFICIAL REPORT

THIRD SESSION OF THE THIRD LEGISLATIVE COUNCIL UNDER THE GOVERNMENT OF INDIA ACT, 1919

Wednesday, the 10th October 1928

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MADRAS

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THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 10th October 1928.

The House met at 11 o'clock, Mr. President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

Marjoribanks, K.C.I.E., C.S.I., I.C.S., The hon. Sir Norman.
Usman Sahib Bahadur, *Kt.*, The hon. Khan Bahadur Sir Muhammad.
Moir, C.S.I., C.I.E., I.C.S., The hon. Mr. T. E.
Krishnan Nayar, The hon. Diwan Bahadur M.
Subbarayan, The hon. Dr. P.
Muthiah Mudaliyar, The hon. Mr. S.
Abdul Razack Sahib Bahadur, Khan Bahadur S. K.
Abdul Wahab Sahib Bahadur, Munshi.
Adinarayana Chettiyar, Bar.-at-Law, Mr. T.
Anantakrishna Ayyar, Rao Bahadur C. V.
Anjaneyulu, Mr. P.
Appavu Chettiyar, Mr. C. D.
Ari Gowder, Mr. H. B.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.
Arpudaswami Udayar, Mr. S.
Basheer Ahmad Sayeed Sahib Bahadur.
Bhaktavatsulu Nayudu, Mr. P.
Bhanoji Rao, Mr. A. V.
Bheemayya, Mr. J.
Biswanath Das Mahasayo, Sriman.
Chidambaranatha Mudaliyar, Mr. T. K.
Congreve, Mr. C. R. T.
Cotterell, C.I.E., I.C.S., Mr. C. B.
Cotton, C.I.E., I.C.S., Mr. C. W. E.
Cunningham, Mr. C. B.
Dorai Raja, Raj Kumar S. N.
Foulkes, Mr. R.
Gangadhara Siva, Mr. M. V.
Gnanavaram Pillai, Mr. P. J.
Gopala Menon, Mr. C.
Govindaraja Mudaliyar, Mr. C. S.
Guruswami, Rao Sahib L. C.
Hamid Khan Sahib Bahadur, Abdul.
Hampayya, Rai Sahib M.
Harisarvottama Rao, Mr. G.
John, Mr. V. Ch.
Kaleswara Rao, Mr. A.
Kameswara Rao Nayudu, Mr. V.
Karant, Mr. K. R.
Kesava Pillai, C.I.E., Diwan Bahadur P.
Khadir Mohidin Sahib Bahadur, Muhammad.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.
Koti Reddi, Bar.-at-Law, Mr. K.
Krishnan, Mr. K.
Krishnaswami Nayakar, Mr. K. V.
Kumara Raja of Venkatagiri.
Kumaraswami Reddiyar, Diwan Bahadur S.
Kuppuswami, Mr. J.
Mahmud Schamnad Sahib Bahadur.
Mallayya, Dr. B. S.
Manikkavelu Nayakar, Mr. M. A.
Marudavanam Pillai, Mr. C.
Meera Ravuttar Bahadur, K. P. V. S. Muhammad.
Muniswami Nayudu, Rao Bahadur B.
Muniswami Pillai, Mr. V. I.
Muppil Nayar of Kavalappara, Mr.
Murugappa Chettiyar, Diwan Bahadur A. M. M.
Muthulakshmi Reddi, Dr. (Mrs.) (*Deputy President.*)
Muthuranga Mudaliyar, Mr. C. N.
Nagan Gowda, Mr. R.
Nanjappa Bahadur, Subadar-Major S. A.
Narayana Raju, Mr. D.
Narayanan Chettiyar, Mr. Al. Ar.
Narayanan Nambudripad, Rao Bahadur O. M.
Narayanaswami Pillai, Mr. T. M.
Obi Reddi, Mr. C.
Parasurama Rao Pantulu, Mr. A.
Parthasarathi Ayyangar, Mr. C. R.
Patro, *Kt.*, Rao Bahadur Sir A. P.
Premayya, Mr. G. R.
Raja of Jeypore.
Raja of Panagal, K.C.I.E.
Rajan, Mr. P. T.
Ramachandra Padayachi, Mr. K.
Ramachandra Reddi, Mr. B.
Ramalinga Reddi, Mr C.
Raman Menon, Mr. K. P.
Ramanath Goenka, Mr.
Ramasomayajulu, Mr. C.
Ramjee Rao, Mr. V.
Ramaswami Ayyar, Mr. U.
Ranganatha Mudaliyar, Mr. A.
Ratnasabhapati Mudaliyar, Rao Bahadur C. S.
Saldanha, Mr. J. A.
Sami Venkatachalam Chetti, Mr.
Sarabha Reddi, Mr. K.
Satyamurti, Mr. S.
Shetty, Mr. A. B.
Siva Raj, Mr. N.
Siva Rao, Mr. P.
Sivasubrahmanya Ayyar, Mr. K. S.
Slater, C.M.G., C.I.E., I.C.S., Mr. S. H.

PRESENT—*cont.*

Smith, Mr. W. E.
Soundarapandia Nadar, Mr. W. P. A.
Souter, I.C.S., Mr. C. A.
Srinivasa Ayyangar, Mr. R.
Srinivasa Ayyangar, Mr. T. C.
Srinivasan, Rao Sahib R.
Subrahmanya Moopanar, Mr. S.
Subrahmanya Pillai, Mr. Chavadi K.
Swami, Bar.-at-Law, Mr. K. V. R.
Syed Ibrahim Sahib Bahadur, Nattam Dubash Kadir Sahib.
Tajudin Sahib Bahadur, Syed.
Tampoe, I.C.S., Mr. A. McG. C.
Thomas, Mr. Daniel.
Tulasiram, Mr. L. K.
Uppi Sahib Bahadur, K.
Vanavudaiya Gounder, Mr. S. V.
Venkatapati Raju, Mr. P. C.
Venkatarama Ayyar, Mr. K. R.
Venkataramana Ayyangar, Mr. C. V.
Venkatarangam Nayudu, Mr. C.
Venkataratnam, Mr. B.
Venkiah, Mr. S.
Watson, I.C.S., Mr. H. A.
Wright, Mr. W. O.
Zamindar of Gollapalli.
Zamindar of Kallikota.
Zamindar of Mirzapuram.
Zamindar of Singampatti.

I

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Constitution of districts, divisions and taluks

Transfer of the Kangundi division in North Arcot district to Chittoor district.

* 456 *Q.*—Mr. C. Venkatarangam Nayudu : Will the hon. the Revenue Member be pleased to state—

(*a*) whether the Government are contemplating to transfer the Kangundi division in North Arcot district to Chittoor district;

(*b*) whether the Government received representations from the people of the division against such transfer; and

(*c*) if the answer to question (*a*) is in the affirmative, will the Government defer passing orders till a full and open enquiry is made?

A.—(*a*) The question of transferring the Kangundi division to Chittoor district is and has for sometime been under the consideration of the Government.

(*b*) Yes.

(*c*) The proposal has been published in the Gazette for criticism and the Government have received representations both for and against the transfer and also a deputation in support of the objectors. They do not propose to make further enquiries as they are now in possession of all that is to be said for or against the transfer.

Mr. C. Venkatarangam Nayudu :—"May I know for how many years this matter has been under the consideration of the Government?"

(The hon. the Revenue Member was not in his seat.)

The hon. the President :—"Shall we pass over till the hon. Member arrives?"

Mr. S. Satyamurti :—"Has he made any representations to you, Sir, that he would be late this morning?"

The hon. Mr. T. E. Moir :—"I cannot answer that question."

Mr. S. Satyamurti :—"I want to raise a point, Sir. It is usual in the House of Commons that Members of the Treasury Bench send word to the Speaker when they attend late."

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Mr C. VENKATARANGAM NAYUDU :—" I have put the question to the Revenue Member and not to the Finance Member."

The hon. Sir NORMAN MARJORIBANKS :—" I am sorry, Sir, I am late and I apologise to you for coming late."

The hon. the PRESIDENT :—" The hon. Member will repeat his supplementary question."

Mr. C. VENKATARANGAM NAYUDU :—" May I know for how many years this matter has been under the consideration of the Government ? "

The hon. Sir NORMAN MARJORIBANKS :—" I should think for the last two years, Sir."

Mr. C. VENKATARANGAM NAYUDU :—" May I ask him to state when a decision on this point is likely to be reached, Sir ? "

The hon. Sir NORMAN MARJORIBANKS :—" I hope, Sir, soon. I cannot say definitely."

Mr. T. ADINARAYANA CHETTIYAR :—" May I ask the hon. the Revenue Member at whose instance the question was first mooted and for whose benefit it was sought to make this transfer ? "

The hon. Sir NORMAN MARJORIBANKS :—" The question was mooted, Sir, by memorials from the people of the division and it is for the benefit of the people that a decision has to be arrived at as also to the advantage of the administration generally."

Mr. T. ADINARAYANA CHETTIYAR :—" Does the zamindar want this change particularly, Sir ? "

The hon. Sir NORMAN MARJORIBANKS :—"I understand he is in favour of it."

Mr. T. ADINARAYANA CHETTIYAR :—" Is it a fact, Sir, that the zamindar is filing hundreds of summary suits every year and he wants to make it more expensive for the tenants by effecting a transfer so that they may not defend the suits since Tirupattur is near to them while Chittoor is far off ? "

The hon. Sir NORMAN MARJORIBANKS :—" I am unable to say what his motives may be."

Mr. T. ADINARAYANA CHETTIYAR :—" Will the hon. the Revenue Member call for the statistics from the courts at Tirupattur as to the number of summary suits filed by the zamindar every year against his tenants."

The hon. Sir NORMAN MARJORIBANKS :—" Yes, Sir, certainly."

Mr. S. SATYAMURTI :—" May I know what are the considerations which weigh with the Government in ordering these transfers from one district to another district, i.e., with reference to a transfer like this ? "

The hon. Sir NORMAN MARJORIBANKS :—" If one district is heavy and another light, a transfer may be made to equalise the work. On the other hand, one tract may be more easily administered as part of one district than of another. There is also the linguistic consideration. An area that is entirely Telugu may more appropriately be in a Telugu district than in a Tamil one."

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Sriman BISWANATH DAS Mahasayo :—" May I know whether the Government will be pleased to enquire whether the allegations made by my hon. Friend Mr. Adinarayana Chettiyar have any foundation and if so, whether they would be pleased to make the necessary enquiry and take necessary action ? "

The hon. Sir NORMAN MARJORIBANKS :—" I said I would call for the information."

Sriman BISWANATH DAS Mahasayo :—" And consult the convenience of the ryots also ? "

The hon. Sir NORMAN MARJORIBANKS —" I suppose that is the main consideration."

Irrigation

Supply of water to fields in the villages of Gollapudi, etc., by the Pumping scheme.

*457 Q.—Mr. A. KALESWARA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have given permission to the ryots of the villages of Gollapudi, Guntupalli, etc., to irrigate lands by pumping the water of the Kistna at Thummalapalem near Ibharampatnam, Bezwada taluk ;

(b) whether the ryots being unable to collect the necessary funds among themselves for constructing a pumping scheme have requested the Government to construct the pumping scheme and give water to their fields ;

(c) how much water-rate they have offered to pay and how much towards the cost of the construction of the scheme ; and

(d) whether the Government propose to undertake the scheme ?

A.—(a) Yes.

(b) Yes.

(c) They have offered to pay a water-rate of Re. 1–4–0 per acre and a sum of Rs. 30 per acre on the area to be benefited, towards the cost of the scheme.

(d) The Government have called for a report from the Chief Engineer, and will consider the matter on receipt of his reply.

Mr. A. KALESWARA RAO :—" Is it not a fact that the ryots have offered to pay Rs. 12 per acre ? "

The hon. Sir NORMAN MARJORIBANKS :—" The information given in the question is what the Government has. I will make enquiries regarding what the hon. Member has said."

Mr. A. KALESWARA RAO :—" May I know if the report of the Chief Engineer will be placed on the table of the House ? "

The hon. Sir NORMAN MARJORIBANKS :—" That would be considered certainly when the report is received."

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The irrigable ayacut of the Kistna Eastern delta.

*458 Q.—Mr. A. KALESWARA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) what was the extent fixed as the irrigable ayacut of the Kistna Eastern delta before the shutters were raised at the Kistna Head Sluice;

(b) whether Government propose to extend the ayacut still further now that more water is available on account of the raising of the shutters; and

(c) if so, what steps are being taken by the Government?

A.—(a) The irrigable ayacut of the Kistna Eastern delta was fixed at 430,000 acres in 1924; the shutters were installed before the flood season of 1925.

(b) & (c) Observation for three years of the effect of the shutters has shown that there is sufficient surplus water to irrigate about 75,000 acres of early short crop (July to October), of which about 35,000 acres will be in the Kistna Eastern delta. The Chief Engineer (Irrigation) has applied for a special staff to work out detailed proposals and the question is now under the consideration of the Government.

Mr. A. KALESWARA RAO:—"Will the Government be pleased to call for the report of the Chief Engineer on this question?"

The hon. Sir NORMAN MARJORIBANKS:—"It is stated that he has applied for special staff to work out the detailed proposals. He will naturally report."

Mr. D. NARAYANA RAJU:—"When did he apply for the special staff?"

The hon. Sir NORMAN MARJORIBANKS:—"It must be quite recently. Apparently it has not been disposed of."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"May I know if the extent referred to in (b) and (c) relates to the Kistna Eastern delta or the whole delta?"

The hon. Sir NORMAN MARJORIBANKS:—"It is stated in the answer that out of the 75,000 acres about 35,000 will be in Kistna Eastern delta."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"Apparently the whole question was with reference to the Eastern delta?"

The hon. Sir NORMAN MARJORIBANKS:—"If the hon. Member suggests that it is a mistake, I will examine that point."

Construction of the Mettur dam with cement or lime, Indian or foreign.

*459 Q.—Mr. K. KOTI REDDI: Will the hon. the Member for Revenue be pleased to state—

(a) what the Government have decided to use for the construction of the Mettur dam, lime or cement; and

(b) if it is cement, what cement the Government have decided to use, Indian or foreign?

A.—(a) Cement composed of 80 per cent of Portland cement and 20 per cent of surki is to be used for the construction of the dam.

(b) The cement is manufactured in India.

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Mr. T. ADINARAYANA CHETTIYAR :—" As to the contract now placed, may I know the name of the particular firm, Sir? "

The hon. the PRESIDENT :—" I do not find any reference to tenders and acceptances in this question. It only relates to the quality of cement to be used."

Mr. T. ADINARAYANA CHETTIYAR :—" The answer to (b) says that Indian cement will be used. I am only anxious to know whether the promoters of the firm are Indians or Europeans? "

The hon. Sir NORMAN MARJORIBANKS :—" I think it would be better to put a separate question."

Mr. T. ADINARAYANA CHETTIYAR :—" Will the hon. Member furnish the information without waiting for a formal question? "

The hon. Sir NORMAN MARJORIBANKS :—" I will furnish it, Sir."

Publishing of the Report of the Mettur Project Deputation Committee

*460 Q.—Mr. B. RAMACHANDRA REDDI : Will the hon. the Member for Revenue be pleased to state when the Government intend publishing the report of the Mettur Project Deputation Committee?

A.—As soon as the Government Order on the report is ready.

Mr. B. RAMACHANDRA REDDI :—" How long will Government take to pass orders? "

The hon. Sir NORMAN MARJORIBANKS :—" I hoped it would be ready before this meeting. But circumstances prevented that and I now hope it will be ready in a week or so."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" Is it not a fact that if there is a further delay in accepting the recommendations of the committee, progress in the work will continue in the meanwhile? "

The hon. Sir NORMAN MARJORIBANKS :—" I must ask the hon. Member to wait till he has had an opportunity of reading the Government Order."

Mr. S. SATYAMURTI :—" Seeing that this committee was appointed practically at the request of the House, may I know if Government has any intention of consulting the House before passing orders, and if not why not? "

The hon. Sir NORMAN MARJORIBANKS :—" One portion of the House asks that the orders may be expedited. Now the suggestion is that it should be deferred pending discussion of this House. I cannot say anything more now than that the Government Order will not prevent the House from pressing again any further points."

Mr. S. SATYAMURTI :—" Now that there has been some delay, may I ask whether the hon. Member accepts the recommendations as the recommendations of the House, in which case there is no need to discuss further? If he does not accept them, may I know whether Government will consult the wishes of the House before passing their orders? "

The hon. Sir NORMAN MARJORIBANKS :—" It does not depend upon me. I must ask the member to wait."

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Mr. C. V. VENKATARAMANA AYYANGAR :—" May I ask the Government to publish the report and then discuss it in the House ?"

The hon. Sir NORMAN MARJORIBANKS :—" It is a suggestion, Sir, which will be duly considered."

Memorial submitted to His Excellency the Governor by ryots and mirasidars of Kadarambam parts.

* 461 Q. - Mr. J. A. SALDANHA : Will the hon. the Member for Revenue be pleased to state—

(a) whether memorial was presented to His Excellency the Governor in the first week of September 1928, signed by a large number of the ryots and mirasidars of the Kadarambam parts of the Kulittalai and Trichinopoly taluks ;

(b) if so, what action the Government propose to take in the matter ;

(c) whether the Government have decided or propose to extend the area of irrigation in the Trichinopoly district by carrying out the Kattalai scheme ;

(d) whether they have decided or propose to reconsider the whole question in the light of the above memorial and modify the terms of the G.O. No. 1974 I., dated the 16th December 1926, so as to benefit the Trichinopoly district also under the Mettur scheme ; and

(e) whether more than 10,000 acres of wet lands were silted up during the floods of 1924 and whether the Government have any scheme for the utilization of the unused water for irrigating other lands ?

A.—(*a*) *to* (*d*) The memorial has been received and is under the consideration of the Government.

(*e*) The attention of the hon. Member is invited to the answer to clause (*e*) of question No. 506.

Mr. J. A. SALDANHA :—" As to answers on all these points, may I take it that the Mettur Project will be utilized for the benefit of the lands of the memorialists ? "

The hon. Sir NORMAN MARJORIBANKS :— " That is the question, Sir, which has to be investigated by the Engineers."

Mr. S. ARPUDASWAMI UDAYAR :—" With regard to the answer to (*e*), may I know, Sir, whether the consideration that is promised will be so comprehensive as to include the adoption of any other scheme than the one mentioned here ? "

The hon. Sir NORMAN MARJORIBANKS :—" I do not know which investigation the hon. Member refers to."

Mr. S. ARPUDASWAMI UDAYAR :—" With reference to (*e*), the answer is that the attention of the hon. Member is invited to clause (*e*) of 506."

The hon. the PRESIDENT :—" Apparently it must be clause (*d*) of 506."

Mr. S. ARPUDASWAMI UDAYAR :—" Yes. The answer from (*a*) to (*d*) is that the memorial has been received and is under the consideration of the Government. Then so far, the only scheme which is under consideration is the High Level channel scheme connected with the Right Bank canal. My question is whether the hon. Member will tell me if the consideration promised here will be so comprehensive as to include the adoption of any scheme for the benefit of these lands in addition to the high level channel."

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The hon. Sir NORMAN MARJORIBANKS :—" Yes, Sir. I believe there is an investigation in connexion with the Uyyakondan."

Mr. S. ARPUDASWAMI UDAYAR :—" Sir, there is mention made of a few thousand acres that have been silted up and do not require water for irrigation at present. May I ask the hon. the Revenue Member to tell me whether in consideration of this fact he will also consider a scheme to irrigate the Kadarambam parts ? "

The hon. Sir NORMAN MARJORIBANKS :—" Government would be very glad indeed if that can be done. It is entirely a question for the Irrigation Engineer whether they can get water on to the land."

Levy of penal rate in breach irrigation with reference to the cultivator.

* 462 Q.—Mr. C. RAMASOMAYAJULU : Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that in calculating the number of offences with a view to levy penal rate with reference to breach irrigation, reference is had to the land irrigated and not to the individual ryot cultivating the lands ; and

(b) if so, whether the Government would adopt the practice of having reference to the cultivator and not to the lands ?

A.—(a) The hon. Member will find set out on page 28 of Volume II of the Board's Standing Orders the rules for the levy of water-cess for water irregularly taken for irrigation.

(b) The suggestion appears to be based on the supposition that enhanced rates for irregular irrigation are charged with the object of punishing the person for the offence of taking the water. This is not so. The object of the rules is to prevent the irregular use of irrigation supplies. It is therefore the supply irregularly taken to a particular land that is charged for at progressively increasing rates irrespective of the taker or takers.

Mr. C. RAMASOMAYAJULU :—" With reference to the answer to clause (a), 11-15 a.m. may I know whether the recovery of the rent is going to be made from the person who uses the water or no ? "

The hon. Sir NORMAN MARJORIBANKS :—" It will be made under the provisions of the Revenue Recovery Act."

Mr. C. RAMASOMAYAJULU :—" May I know whether the person who takes the water is responsible or it is merely the land ? "

The hon. Sir NORMAN MARJORIBANKS :—" I think under the Revenue Recovery Act, the person responsible is the pattadar."

Mr. C. RAMASOMAYAJULU :—" The last part of the answer says, 'It is therefore the supply irregularly taken to a particular land that is charged for at progressively increasing rates irrespective of the taker or takers'. May I put the question to the hon. the Revenue Member this way ? Supposing a person comes into possession of the land either by purchase for the first time or becomes a lessee and makes irregular use of water ignorant of the fact that water was previously taken irregularly for that land, will it not be a hardship in such cases to charge progressive rates with reference to the land ? "

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The hon. the PRESIDENT :—" That is asking for an opinion."

Mr. C. RAMASOMAYAJULU :—" My question, Sir, is whether the Government will recover rent in such cases."

The hon. the PRESIDENT :—" The hon. Member will kindly resume his seat."

Land Revenue

Method of better publicity of information to villagers.

* 463 Q.—Mr. A. B. SHETTY : With reference to the answer to question No. 315 answered on 8th September 1928, will the hon. the Member for Revenue be pleased to state—

(*a*) whether the Government have now considered how better publicity can be given to any notifications or other matter intended for the information of the villagers, particularly in the West Coast districts ; and

(*b*) if so, what conclusions they have arrived at thereon regarding this subject ?

A. (*a*) & (*b*) The Board of Revenue has been asked for a report on the subject.

Legislative

Purchase of books for the Legislative Council Library.

* 464 Q.—Mr. J. A. SALDANHA : Will the hon. the Member for Revenue be pleased to state—

(*a*) the firm from which books are bought for the Legislative Council Library ;

(*b*) whether it is a fact that it is the only firm in Madras from which and through which books can be purchased for the library ;

(*c*) if so, under what orders and what was the practice before ;

(*d*) whether the rates of that firm are higher or lower for books published outside India than any other firm in Madras ; or

(*e*) whether it is possible to get books directly from British or other European or American firms cheaper ; and

(*f*) what endeavours have been made to get books from or through firms outside India at cheaper rates in the past and at present ?

A.—(*a*) Messrs. The Associated Publishers (Madras), Limited, Higginbothams Department, Mount Road.

(*b*) Yes ; unless books are urgently required and can be procured more promptly from another firm in India.

(*c*) Under the orders of the Government. The practice of purchasing books through the Associated Publishers has been in existence since 1927. Prior to that also books were purchased through a single firm.

(*d*), (*e*) & (*f*) The rates are in accordance with a contract which was entered into after tenders had been called for. The Government accepted what they considered to be the best of the tenders offered. They do not see their way to state the terms contained in other tenders.

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Mr. J. A. SALDANHA :—" With reference to clauses (a) and (b), may I know, Sir, under orders of which department of Government these books are obtained from particular firms ? "

The hon. Sir NORMAN MARJORIBANKS :—" So far as my information goes, these books are obtained for the Council Office on the orders of the Legislative Department."

Mr. J. A. SALDANHA :—" Are these matters still under the control of the Finance Department or some other Secretariat Department, or under the control of the President of the Council ? "

The hon. Sir NORMAN MARJORIBANKS :—" There is a Committee of the Legislative Council which looks into these matters, and I hope they will be consulted in the purchase of books."

Mr. S. SATYAMURTI :—" With reference to the answer to clause (c), that ' the practice of purchasing books through the Associated Publishers has been in existence since 1927 ', may I ask the hon. the Revenue Member whether, Mr. President, your office or yourself were consulted in this matter at any time ? "

The hon. Sir NORMAN MARJORIBANKS :—" This purchase of books for the Council Library has all along been made as a part of the purchase of books for Government purposes. If the House Committee makes any suggestion for separate treatment, I am quite sure it will be considered."

Mr. S. SATYAMURTI :—" With reference to the answer to clauses (d), (e) and (f). will the Government be pleased to state whether these tenders were the lowest that they received ? "

The hon. Sir NORMAN MARJORIBANKS :—" I must ask for notice of that, Sir."

Dr. B. S. MALLAYYA :—" May I know whether Government are aware that medical books used to be purchased for various schools by tenders ? "

The hon. the PRESIDENT :—" The question does not arise."

Mr. D. NARAYANA RAJU :—" May I know for what period the contract referred to in answer to clauses (d), (e) and (f) was entered into ? "

The hon. Sir NORMAN MARJORIBANKS :—" That is a general contract for the purchase of all books required for Government purposes. I am sorry I cannot now say for what period, Sir."

Mr. D. NARAYANA RAJU :—" For what period, Sir ? Is it for all time ? "

The hon. Sir NORMAN MARJORIBANKS :—" No, Sir. I am afraid I must ask for notice to state the period."

Mr. DANIEL THOMAS :—" With reference to the answer to clauses (d), (e) and (f), may I know what is the present rate per shilling under the subsisting contract ? "

The hon. Sir NORMAN MARJORIBANKS :—" I must ask for notice."

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Reforms

Memorandum of Madras Government to the Simon Commission.

* 465 *Q.*—Mr. S. SATYAMURTI : Will the hon. the Member for Revenue be pleased to state—

(*a*) whether the memorandum of this Government to the Simon Commission was sent by both halves of the Government or only by the Reserved half ;

(*b*) whether the memorandum embodies the views of the hon. the Ministers either on the working of the Transferred departments or on further reforms ; and

(*c*) what those views are ?

A.—(*a*) The reports sent to the Statutory Commission were sent by the Governor in Council : in so far as they related to transferred subjects they were approved by the hon. the Ministers.

(*b*) & (*c*) The answer to clause (*b*) is in the negative.

Mr. S. SATYAMURTI :—" With reference to the answer to clause (*a*), may I know whether the reports contain the opinions of the Members of Government either on the Reserved or on the Transferred side, apart from stating facts ? "

The hon. Sir NORMAN MARJORIBANKS :—" The reports so far sent deal with facts."

Mr. S. SATYAMURTI :—" May I take it, therefore, in order to make it clear that the reports sent to the Statutory Commission by the Governor in Council do not express any opinions either on the working of the Reforms which have been granted or on further reforms needed in the opinion of this Government ? "

The hon. Sir NORMAN MARJORIBANKS : —" My difficulty, Sir, is that I am not aware how far I am entitled to disclose the contents of the reports sent to the Statutory Commission."

Mr. S. SATYAMURTI :—" Sir, you will notice that my question, clause (*b*), is, ' whether the memorandum embodies the views of the hon. the Ministers either on the working of the Transferred departments or on further reforms.' The answer says, ' the answer to clause (*b*) is in the negative.' I am therefore asking whether as a matter of fact the report sent to the Simon Commission by this Government either on the Reserved or on the Transferred side contained merely statement of facts relating to the working of the Reforms, or whether they contained the opinions of the Government either on the working of the Reforms as they are or on further reforms ? "

The hon. Sir NORMAN MARJORIBANKS :—" I think I already said they were statement of facts."

Mr. S. SATYAMURTI :—" No opinion at all ? "

The hon. Sir NORMAN MARJORIBANKS :—" Opinions may be read into them. That is another matter."

Mr. S. SATYAMURTI :—" I am not asking the hon. the Revenue Member to perform an impossible feat. I am asking, so far as this Government is concerned whether they put forward any opinions . . ."

The hon. the PRESIDENT :—" The question has already been answered that the reports contain only facts and no opinions."

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Mr. D. NARAYANA RAJU :—" Since the reports only furnish information may I know whether any further reports are contemplated stating the views of the Government ? "

The hon. Sir NORMAN MARJORIBANKS :—" If the hon. Member asks me to say something about what has not been done, I cannot undertake to do that."

Mr. P. ANJANEYULU :—" In answer to clause (*a*), it is said, ' in so far as they related to Transferred subjects they were approved by the hon. the Ministers.' May we know whether, so far as Reserved subjects are concerned, the reports were put for the approval of the Ministers also ? "

The hon. Sir NORMAN MARJORIBANKS :—" That is a question I cannot answer."

Mr. P. ANJANEYULU :—" May we take it that it is a consolidated memorandum which also got the approval of the Ministers ? "

The hon. Sir NORMAN MARJORIBANKS :—" The hon. Member may draw what inference he pleases."

Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. the Revenue Member whether the Simon Commission asked for any specific information and the Government have sent their report on that, or whether they have asked for information and views ? "

The hon. Sir NORMAN MARJORIBANKS :—" These reports, Sir, we sent with reference to the circular which was published and circulated broadcast. I cannot repeat now what the contents of that circular are."

Mr. S. SATYAMURTI :—" With reference to the answer to clause (*a*) of the question that the reports sent to the Statutory Commission were sent by the Governor in Council, may I know whether the phrase ' Governor in Council ' means only the Reserved half and not the Transferred half ? Then, may I ask the hon. the Chief Minister with your leave. . ."

The hon. the PRESIDENT :—" The hon. Member will have to put a separate question to the hon. the Chief Minister."

Mr. S. SATYAMURTI :—" I want to know whether, so far as the report relating to the Transferred side is concerned, the Ministers expressed any opinions on them, or they simply approved of what was written by the Reforms Special Officers ? "

The hon. Sir NORMAN MARJORIBANKS :—" It is said, Sir, in answer to clauses (*b*) and (*c*) that the answer is in the negative. Therefore, there were no views expressed."

Mr. K. R. KARANT :—" May I know whether the Government have any objection to place this memorandum on the table of this House ? "

The hon. Sir NORMAN MARJORIBANKS :—" We cannot publish communications made to another authority."

Mr. K. R. KARANT :—" After asking their permission, Sir ? "

The hon. Sir NORMAN MARJORIBANKS :—" Hardly for this Government to ask for permission."

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Mr. S. SATYAMURTI :—"In view of the fact that portions or rather elaborate summaries of those reports were published by the Associated Press, in view of that partial publication of the reports, may I ask whether they intend to publish the whole of those reports ?"

The hon. Sir NORMAN MARJORIBANKS :—"I think the hon. Member is confusing two things. The reports referred to by the hon. Member are the reports first made in 1923, then revised in 1924 and revised again in 1927, long before the appointment of the Statutory Commission. Those are the reports which have been published, and not these reports to the Statutory Commission."

Revenue Establishments

Oriyas directly recruited as Deputy Tahsildars since 1922.

* 466 *Q.*—Sriman BISWANATH DAS Mahasayo : Will the hon. the Member for Revenue be pleased to state—

(*a*) the number of Oriya candidates directly recruited as Deputy Tahsildars since 1922 ;

(*b*) the number of direct recruitments to this cadre since 1922 ;

(*c*) the number of Oriya candidates who appeared at these selections ; and

(*d*) the reasons why no Oriya was selected?

A.—(*a*) Nil.

(*b*) Twelve.

(*c*) Eight.

(*d*) Because other candidates were held to be better qualified.

Sriman BISWANATH DAS Mahasayo :—"Regarding answer to clause (*b*), may I know the qualifications of those that were recruited ?"

The hon. Sir NORMAN MARJORIBANKS :—"I must ask for notice, Sir."

Sriman BISWANATH DAS Mahasayo :—"Regarding answer to clause (*d*), may I know the qualifications of those other candidates ?"

The hon. Sir NORMAN MARJORIBANKS :—"Does the hon. Member mean technical qualifications ? If so, I can put a statement on the table."

Sriman BISWANATH DAS Mahasayo :—"Regarding answer to clause (*d*) again, may I know what Government mean by 'better qualified', when to my knowledge Oriya graduates and B.A. Honours men appeared for the selection ?"

The hon. Sir NORMAN MARJORIBANKS :—"I may say there were 612 candidates for these twelve posts. It is rather difficult to say why twelve were preferred out of over six hundred."

Government Press

Pay and allowances of the Superintendent, Government Press.

* 467 *Q.*—Mr. G. HARISARVOTTAMA RAO : Will the hon. the Home Member be pleased to state with reference to G.O. Press No. 672, Public, Fort St. George, dated 11th August 1928—

(*a*) why the Government have considered the appointment of as many as five officers of the Superintendent's cadre necessary ;

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(b) whether they do not consider any examination test necessary to satisfy the qualifications they have enunciated in clause 3, and if so, why they have not mentioned such examinations therein ;

(c) what were the considerations that led them to fix the scales of pay enunciated in clause 5 ;

(d) whether Mr. F. L. Gilbert is in service under a contract and, if so, what the original contract is ; and

(e) under what class of paragraph 4 of Part I of the Madras Manual of Special Pay and Allowances Mr. F. L. Gilbert is allowed a compensatory allowance of Rs. 50 ?

A.—(a) The experience of the past has led Government to consider this staff necessary for the proper working of the press.

(b) No.

(c) The Government consider that the pays mentioned are necessary in order to secure suitable officers.

(d) No.

(e) Class VI (conveyance allowance).

Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. the Home Member what is the experience that led the Government to consider that staff necessary, with reference to clause (a) of the question ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" We found by practical experience that the staff in question was necessary."

Mr. G. HARISARVOTTAMA RAO :—" I am asking the hon. the Home Member what exactly the details of experience were that led them to employ five people ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" From time to time we received reports that the superior staff was not able to cope with the work, and therefore they were increased."

Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. the Home Member, with reference to the answer to clause (b), whether the Government consider at all that no examination or test is necessary to declare a man a practical printer ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" I do not think it is necessary."

Appointment of a non-official committee to investigate into the dismissals of employees in the Government Press.

* 468 *Q.*—Mr. A. KALESWARA RAO :—Will the hon. the Home Member be pleased to state—

(a) what action the Government have taken on the resolution passed by this Council on 6th September 1928 to appoint a non-official committee to investigate into the large number of dismissals, etc., of the employees of the Government Press, Madras ;

(b) who was the predecessor of Mr. Gilbert as the Superintendent of Government Press, Madras, and how long he was the Superintendent, and what is the total number of dismissals, removals and suspensions during that whole period ;

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(*c*) from what date to what date Mr. Green was acting as Superintendent of Government Press, Madras, and what is the total number of dismissals, removals and suspensions during that period ; and

(*d*) what is the total number of dismissals, removals and suspensions during the period of Mr. Gilbert's superintendentship from January 1922 up to the end of March 1928 ?

A.—(*a*) The Government have not accepted the resolution and have taken no action upon it.

(*b*), (*c*) & (*d*) Mr. Fisher was the predecessor of Mr. Gilbert as Superintendent, Government Press. He was Superintendent, Government Press, from 20th October 1904 to 5th April 1919. Mr. Green acted as Superintendent, Government Press, from 2nd April 1922 to 1st February 1923 and from 9th April 1927 to 8th November 1927. The Government do not consider that the labour involved in collecting the figures asked for would be justified.

Mr. A. KALESWARA RAO :—" May I know why the Government has not accepted the resolution ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :— " The reasons for it were mentioned in my speech."

Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. the Home Member, with reference to the answer to clauses (*b*) and (*d*), whether dismissals and punishments during the time of Mr. Fisher as also of Mr. Green were at any rate one-fourth the number of what they were during the time of Mr. Gilbert, though the term of Mr. Fisher was about fifteen years and the term of Mr. Gilbert was only six years ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :— " The Government have no information."

Dr. B. S. MALLAYYA :—" May I know what will make the Government accept the resolution ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :— " As I have said in my speech, no facts in favour of the resolution have been stated."

Mr. P. BHAKTAVATSULU NAYUDU :—" What is the speech the hon. Member refers to that he made the other day ? "

Mr. A. KALESWARA RAO :—" May I know whether the hon. Member's speech was not made before the passing of the resolution ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :— " Yes."

Mr. A. KALESWARA RAO :—" Then, what made the Government not to accept the resolution ?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :— " The Government again considered the resolution and for the reasons mentioned in my speech they did not accept it."

Dr. B. S. MALLAYYA :—" May I know, Sir, whether the hon. the Home Member is aware that the Sultan of Turkey went down the hill for not accepting a popular resolution, as it is stated ? " (Laughter).

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Mr. G. Harisarvottama Rao :—" May I know from the hon. the Home Member whether the Government have considered in refusing to accept the resolution even at this stage that they are unable to give us accurate figures as to the dismissals and punishments comparatively in the times of the three Superintendents? "

The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur :—" As I said, the Government have no information."

Leave application of a reader in Government Press.

*469 *Q.*—Mr. C. N. Muthuranga Mudaliyar : Will the hon. the Home Member be pleased to state—

(*a*) whether Mr. N. A. Balasubramaniam, a reader in the Government Press, applied for six weeks' leave on 12th October 1927 on production of medical certificate from a L.M.P. ;

(*b*) whether he was directed to appear before the Surgeon, First District ;

(*c*) whether the Surgeon declared him fit for duty on 16th October 1927 ;

(*d*) whether he joined duty on 17th October 1927 and applied for leave ;

(*e*) whether the Superintendent treated his absence as leave but as leave without pay ; and whether the applicant had about two years' leave on average salary to his credit at the time ;

(*f*) whether the action of the Superintendent was against instructions contained in Government Memorandum No. 1002-2, Finance, dated 17th February 1926 ; and

(*g*) what action was taken against the Superintendent for disregarding a Government Order ?

A.—(*a*) Yes.

(*b*) Yes, on 22nd October 1927.

(*c*) No, the Surgeon reported on 16th November 1927 that he was fit for duty. He had delayed 24 days before appearing before the Surgeon.

(*d*) He joined duty on 17th November 1927.

(*e*) The Superintendent treated the period of his absence as absence without leave. Government are not aware of the amount of leave at his credit.

(*f*) No.

(*g*) The question does not arise.

11-30 a.m. Mr. C. N. Muthuranga Mudaliyar :—" Sir, with reference to the answer to clause (*e*), in view of the fact that the question itself gives definite information, is it not the duty of the Government to verify the truth of this statement? "

The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur :—" The Government have no information."

Mr. C. N. Muthuranga Mudaliyar :—" Will they not call for the information? "

The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur :—" We will do so if it is necessary."

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Mr. C. N. MUTHURANGA MUDALIYAR :—" Does the hon. the Home Member think that the Superintendent is justified in his action if the facts are as stated in the question ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" The Superintendent is justified."

Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. the Home Member whether he thinks that he should justify the Superintendent even before he had learnt whether the employee had to his credit two years' leave or not ? "

Mr. P. BAKTAVATSULU NAYUDU :—" Is it not possible for the Government to be aware of these things if they are really interested ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" That does not affect the question."

Police

Oriyas as gazetted officers in the Police Department.

* 470 Q.—Sriman BISWANATH DAS Mahasayo : Will the hon. the Home Member be pleased to state—

(a) the number of Oriyas serving as gazetted officers in the Police Department ;

(b) if there are no Oriya officers the reasons for the same ;

(c) the number of Oriya candidates who appeared for the selection of Deputy Superintendents of Police ; and

(d) the number of Oriyas now serving as Circle Inspectors of Police ?

A.—(a) None.

(b) A report on the subject will be called for.

(c)—

1925	One
1926	Two
1927	Nil.

(d) Eleven.

Sriman BISWANATH DAS Mahasayo :—" With reference to (b), may I know whether the Government will be pleased to place the report on the table of this House and with reference to (d), whether they will be prepared to consider the claims of the existing members who are serving as Circle Inspectors ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" When the report reaches the Government the suggestion will be considered."

Alleged treatment of the accused under trial in the Trichinopoly Railway strike case.

* 471 Q.—Mr. C. N. MUTHURANGA MUDALIYAR : Will the hon. the Home Member be pleased to state—

(a) whether the Government have received a communication from Mr. N. S Ramaswami Ayyangar protesting against the treatment alleged to have been accorded to the accused under trial in the Trichinopoly Railway strike conspiracy case ;

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(*b*) if the answer to (*a*) be in the affirmative, whether the Government have enquired into the truth of the allegations contained in the letter;

(*c*) the steps taken by the Government in the matter, after the receipt of the communication from Mr. N. S. Ramaswami Ayyangar;

(*d*) whether the Government consider the advisability of taking immediate steps to prevent ill-treatment by the Police of under-trial prisoners; and

(*e*) whether the Government will place on the table a correct statement as to the alleged treatment of the under-trial accused referred to in Mr. N. S. Ramaswami Ayyangar's letter?

A.—(*a*) Yes.

(*b*) & (*c*) The Government have called for a report from the District Magistrate, Trichinopoly.

(*d*) & (*e*) The Government await the District Magistrate's report.

Mr. C. N. Muthuranga Mudaliyar:—"With reference to clause (*d*), the answer given is no answer at all. May I ask the hon. the Home Member whether Government would place the information on the table when they get it?"

The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur:—"We have called for the information. When the Government receive the information, the suggestion will be considered."

Alleged firing at Tuticorin and at Trichinopoly during the South Indian Railway strike.

*472 Q.—Mr. S. Satyamurti: Will the hon. the Home Member be pleased to state—

(*a*) the circumstances under which a policeman resorted to firing at Tuticorin on his own authority during the Railway strike;

(*b*) the causes of the police firing later at Tuticorin;

(*c*) the causes of the police attacking and firing on an innocent crowd near a railway crossing in Trichinopoly during an accident between a train and a bus during the strike; and

(*d*) the occasions and the causes generally for police firing in several parts of the Province during the recent Railway strike?

A.—(*a*), (*b*) & (*c*) Criminal cases arising out of these incidents are still before the Courts The Government can make no pronouncement till these have been disposed of.

(*d*) Unless the names of places where firing is alleged to have taken place are given, it is not possible to answer this question.

Mr. S. Satyamurti:—"May I know, with reference to clauses (*a*), (*b*) and (*c*), what are the criminal cases arising out of these incidents that I have mentioned, namely, police firing at Tuticorin and the police firing at Trichinopoly railway crossing which are pending? No cases are pending to the best of my knowledge?"

The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur:—"We have called for reports from the District Magistrates and they show that certain cases are before the courts of law."

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Mr. S. SATYAMURTI :—" May I know whether the Government have satisfied themselves that these criminal cases arose out of these incidents which I have mentioned in clauses (a), (b) and (c) ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :— " Yes, Sir."

Mr. S. SATYAMURTI :—" With regard to the answer to clause (d), I have given the names of the places, viz., Tuticorin and Trichinopoly. May I know, Sir, from the Government the occasions and the causes for the police firing in those parts of the Province ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" I have already given an answer in connexion with the collision that took place between a motor bus and an engine in Trichinopoly. In that connexion I dealt with this question. There are some cases before the courts. So, at present, it is not possible for Government to give a reply. As soon as these cases are disposed of, Government will consider the question of making a statement."

Mr. S. SATYAMURTI :—" I am asking specifically with regard to firing without magisterial orders in those places."

The hon. the PRESIDENT :—" He has already said that regarding collision it was answered by the Government."

Mr. S. SATYAMURTI :—" But regarding the other firing at Tuticorin—that was without any magisterial order at all—may I ask whether the Government have made or propose to make any enquiries into what was an unlawful act and the circumstances under which the police acted as they did ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :— " As I said, it is not possible for me to give any answer till the cases are disposed of."

Mr. S. SATYAMURTI :—" Have the Government called for a report on this specific question as to the extraordinary reasons why the police resorted to firing without a magisterial order or do they propose to do so ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :— " The suggestion will be considered if necessary."

Revision of the pay of constables in South Kanara in consonance with the cost of living.

*473 Q.—Mr. A. B. SHETTY: With reference to the answer to my question No. 146 answered on 5th September 1928 regarding the revision of the pay of constables in South Kanara, will the hon. the Home Member be pleased to state—

(a) whether the cost of living is less in South Kanara than in other districts where the constables are paid eight annas more ; and

(b) if so, on what this information is based ?

A.—(a) & (b) Statistics on which any reliable comparison of the cost of living in various districts may be based are not available.

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Mr. R. Nagan Gowda :—" In view of the fact that higher officers get allowances such as overseas pay, house-rent allowance, Ootacamund allowance, etc., will the Government undertake to find out the cost of living in different districts, so that servants on low scales of pay may get enough to make a living ? "

The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur :—
" The Government have considered the suggestion."

Central Record Office

Appointment of Mr. Vernon on special duty in the Madras Record Office.

* 474 Q.—Mr. Basheer Ahmad Sayeed : Will the hon. the Member for Finance be pleased to state—

(a) whether it is a fact that Mr. Vernon, I.C.S., was at any time appointed on special duty in the Madras Record Office ; if so, when and for what period ;

(b) whether the said Mr. Vernon has submitted any report on the working of the Record Office and the work that has yet to be done therein and whether the Government will lay a copy of the report on the table ;

(c) what action the Government has taken or propose to take on the report ; and

(d) if no report has been submitted the reasons why it was not submitted ?

A.—(a) Yes. From 10th January 1928 to 15th March 1928.
(b) Yes.
The Government do not propose to place the report on the table.
(c) The report is under the consideration of Government.
(d) Does not arise.

Civil Justice

Opening of an additional court at Mangalore.

* 475 Q.—Mr. K. R. Karant : Will the hon. the Law Member be pleased to state—

(a) whether any, and if so, what report has been received from the High Court with reference to the congestion of work in the Sub-Court and District Court, Mangalore ; and

(b) whether Government propose to open an additional court to relieve the same, and if so, when ?

A.—(a) & (b) The question of appointing an additional Sub-Judge to the Sub-Court, Mangalore, is under the consideration of Government.

Mr. K. R. Karant :—" Considering that I brought this to the notice of the Government six months ago, will they expedite the matter ? "

The hon. Diwan Bahadur M. Krishnan Nayar :—" The High Court sent its recommendation only very recently—in September—and the Government are considering the whole question with reference to financial and other aspects."

Mr. P. ANJANEYULU :—" May I know whether it is with reference to this particular sub-court or with reference to other sub-courts also ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The question is restricted to one particular court and the answer also is restricted to it."

Criminal Justice

Instructions to the Public Prosecutor in connexion with mufassal cases coming up to the High Court.

* 476 *Q*.—Mr. P. BHAKTAVATSULU NAYUDU : Will the hon. the Law Member be pleased to state—

(*a*) what was the practice hitherto followed by the mufassal police in the matter of instructing the Public Prosecutor, Madras, in cases coming up to the High Court ;

(*b*) whether there has been any circular issued recently in this connexion by the Inspector-General of Police ;

(*c*) if so, whether the Government will be pleased to place the circular on the table ; and

(*d*) what is the estimated increase in expenditure in the matter of travelling allowances as a consequence of the new step ?

A.—(*a*) In criminal appeals in the High Court ~~the~~ Public Prosecutor was usually instructed by the District Magistrates who invariably consulted the District Superintendents of Police.

(*b*) The Inspector-General of Police did not issue any circular but merely published in the *Police Gazette* the orders of Government issued in G.Os. Nos. 3346, Law (General), dated 22nd October 1927, and 3751, Law (General), dated 25th November 1927, and the Public Prosecutor's Circular No. 143, dated 5th March 1928.

(*c*) Copies [a] of the Government Orders and the Public Prosecutor's circular are appended.

(*d*) It is not possible to estimate the extra expenditure as no separate account of it is kept.

Mr. P. BHAKTAVATSULU NAYUDU :—" In answer to question (*d*), it is stated 'It is not possible to estimate the extra expenditure as no separate account of it is kept.' Will Government think of keeping a separate account at least in future in view of the large expenditure that is believed to be involved by these recent orders ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" In fact, there is no extraordinary expenditure due to the recent orders and so the Government do not think it necessary to keep such accounts."

Mr. DANIEL THOMAS :—" May I know whether ordinarily the records of the cases supplemented by the written instructions of the District Superintendent of Police and the District Magistrate will not be sufficient for the Public Prosecutor to deal with the cases ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" It is left to the Public Prosecutor to decide."

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[a] Printed as Appendix I on pages 340–342 infra.

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Mr. Daniel Thomas :—" May I know whether any case has been brought to the notice of the Government where a miscarriage of justice has occurred by reason of the absence of an instructing officer ? "

The hon. Diwan Bahadur M. Krishnan Nayar :—" No."

Mr. S. Satyamurti :—" Why was that order made then ? "

The hon. Diwan Bahadur M. Krishnan Nayar :—" The order was made at the instance of the Public Prosecutor. "

Mr. Basheer Ahmad Sayeed :—" May I know whether it was because the Public Prosecutor found it not possible or he felt incompetent to carry on the prosecutions in the High Court without such an order ? "

The hon. Diwan Bahadur M. Krishnan Nayar :—" It will be noticed by my hon. Friend that the orders in question were passed during the time of Mr. Adam who had considerable experience and had served for more than ten years as Public Prosecutor."

Forests

Removal of forest boundaries to a distance of one mile from surrounding villages.

* 477 Q.—Mr. G. Harisarvottama Rao: Will the hon. the Law Member be pleased to state—

(a) what steps have been taken from 1923 to the end of June 1928 in the three forest districts of South, East and West Kurnool to move the boundaries of reserved forests away from villages whose agricultural lands or village-sites were situated within a mile or half a mile of such boundaries; and

(b) how much of reserved forests were disafforested for this purpose ?

A.—(a) & (b) In cases where proximity of reserved forests to villages and cultivated lands cause real hardship to the ryots, the Government have set back the reserve boundaries by disafforesting such areas. The total area disafforested for this purpose during the period referred to is 4,619 acres.

Mr. G. Harisarvottama Rao :—" May I know from the hon. the Law Member how many villages have been given relief by disafforestation of the kind mentioned here ? "

The hon. Diwan Bahadur M. Krishnan Nayar :—" I can give the information ; I have it in my file ; if my hon. Friend will come to my room I can give him the information."

Mr. Mahmud Schamnad :—" May I know whether there is not real hardship in the case of the ryots of South Kanara on account of the proximity of the forests to cultivated lands ? "

The hon. the President : —" I think the hon. Member will have to give notice of a separate question, because this relates only to Kurnool."

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General

Alleged grievances of Sjt. Kiran Chandra Mukherjee, detenue at Vizagapatam.

*478 Q.—Mr. S. SATYAMURTI: Will the hon. the Law Member be pleased to state—

(a) whether the attention of the Government has been drawn to the complaints and grievances of Sjt. Kiran Chandra Mukherjee who is now kept at Vizagapatam as a detenue and what steps the Government have taken or propose to take to redress them;

(b) whether his health is now all right;

(c) whether his letters are being delivered to him punctually and regularly; and

(d) whether his allowance has been increased and what it is now?

A.—(a) The Government understand that the individual in question had been externed from Bengal under the Bengal Criminal Law Amendment Act, 1925, by an order of the Bengal Government and that he has since been permitted to return to Bengal. The Madras Government have issued no order respecting him nor are they concerned with him in any way.

(b), (c) & (d) The Government have no information.

Mr. S. SATYAMURTI:—"May I know specifically whether this gentleman is in Bengal or Madras?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I have absolutely no information."

Mr. S SATYAMURTI:—"The answer is 'the Government understand . . . that he has since been permitted to return to Bengal.' So Government must be able to give us some information."

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"We don't know whether he has returned to Bengal or is still here."

Mr. S. SATYAMURTI:—"I want to know whether according to the best information available to the Government Sjt. Kiran Chandra Mukherjee is at Vizagapatam or has returned to Bengal?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I have no information."

Mr. S. SATYAMURTI:—"Will the Government call for the information? I am not asking with regard to casual residents; I am asking with regard to a gentleman who has been externed by the Government of Bengal and is made to live at Vizagapatam."

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"If my hon. Friend wants the information, the Government will certainly find it out."

Mr. P. C. VENKATAPATI RAJU:—"Are not the Government aware that there was a constant surveillance of the Police of this Government on this person?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Government are not aware."

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Kazis Act

Consultation of prominent Muslims regarding the appointment of the Kazi of Madras.

*479 Q.—Mr. ABDUL HAMID KHAN: Will the hon. the Law Member be pleased to state whether the Government consulted the prominent Muslim citizens of Madras as to who was the fittest person for the office before appointing Mr. Fasi-ud-din as the Kazi of Madras and, if so, who those persons are?

A.—Yes. The Government consulted a number of prominent Muhammadan residents of the city before making the appointment. They do not consider it necessary to publish their names.

Mr. ABDUL HAMID KHAN:—"May I ask the hon. the Law Member (I wish I were asking the Home Member) what methods the Government adopted to consult public opinion and what are the criteria on the basis of which Muslim residents were selected for consultation on this question?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"The Government asked the Collector to consult the principal Muhammadan gentlemen."

Mr. ABDUL HAMID KHAN:—"May I know from the hon. the Law Member whether Government themselves did not consult public opinion besides the opinion of the Collector?"

The hon Diwan Bahadur M. KRISHNAN NAYAR:—"Government has not done so."

Mr. ABDUL HAMID KHAN:—"Did not the Government ask the Home Member for his opinion?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Oh, yes."

Mr. ABDUL HAMID KHAN:—"May I know what his opinion was?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"It is a Cabinet secret, Sir."

Mr. ABDUL HAMID KHAN:—"May I know if the Government had not asked the opinion of the friends of the Home Member?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"No."

Mr. K. UPPI SAHIB:—"With reference to the last portion of the answer, may I know whether their names are so confidential?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Publication of their names will give rise to bad blood between persons holding conflicting and different opinions."

Mr. K. UPPI SAHIB:—"The names of persons who recommended other men at public meetings were public names and they were published. Are the names of the persons who recommended this particular individual confidential?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"The names of all who recommended."

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Mr. BASHEER AHMAD SAYEED :—" May I know whether it is not a fact that the prominent Muhammadan residents alleged to have been consulted were no other than the members of a single family along with the Home Member in whose pay the nominee of the Government has been and is ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir."

Mr. SAMI VENKATACHALAM CHETTI :—" May I know whether the present Government is aware that when the first appointment of the Kazi was made the names of the gentlemen who were consulted were published in the Government Order ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" My friend is under a misapprehension."

Mr. SAMI VENKATACHALAM CHETTI :—" Therefore am I right in supposing that the names of the gentlemen Government recommended were published in a Government Order ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No."

Mr. SAMI VENKATACHALAM CHETTI :—" May I point out the Government Order ? "

The hon. the PRESIDENT :—" Pointing out will not constitute a supplementary question."

Mr. SAMI VENKATACHALAM CHETTI :—" May I request the hon. the Law Member to read the Government Order ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I have read it many times."

Mr. SAMI VENKATACHALAM CHRTTI :—" May I point out that the names of some of the prominent gentlemen whom the Government consulted were published ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Government asked their agent to consult some persons."

Mr. SAMI VENKATACHALAM CHETTI :—" May I know why the Government should fight shy of publishing the names ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" There was considerable bad blood already, and we did not want to add to it."

Mr. SAMI VENKATACHALAM CHETTI :—" When did this arise ? Bad blood there was only recently. What prevented the Government from publishing them previous to that ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" There was no need."

Mr. A. RANGANATHA MUDALIYAR :—" The hon. the Home Member said that the persons consulted were not friends of the hon. the Home Member; what are his grounds ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" To my knowledge, they are not."

Mr. S. SATYAMURTI :—" Are they the enemies of the Home Member ? " (Laughter).

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Neither are they enemies."

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Mr. S. SATYAMURTI :—" In view of the statutory provision contained in the Act, the Kazi Act, may I know why the local Government did not themselves consult the principal Muhammadan residents, but left it to a subordinate officer ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The Collector is the agent of the Government."

Mr. G. HARISARVOTTAMA RAO :—" May I know if they did not protest even before this appointment ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" There was no protest before this appointment."

Appointment of a committee for selecting the Kazi of Madras.

* 480 *Q.*—Mr. ABDUL HAMID KHAN : Will the hon. the Law Member be pleased to state—

(*a*) whether G.O. No. 1909, Judicial, dated 10th August 1880, has been cancelled by the Government or is still in force ;

(*b*) whether the Government followed the procedure laid down by the said Government Order in appointing Mr. Fasi-ud-din ;

(*c*) whether under the said Government Order the Government are bound to appoint a committee to select the fittest person for the office of the Kazi and, if so, whether they consulted such a committee in appointing Mr. Fasi-ud-din ; and

(*d*) whether it is a fact that the Government had communicated the said Government Order to all the District Collectors at the time in order that the procedure laid down there may be followed in the appointment of Kazis ?

A.—(*a*) The Government Order has not been cancelled.

(*b*) & (*c*) A copy of the Government Order [a] is placed on the table of the House. It will be observed that the Government Order did not lay down any definite procedure to be followed in all cases of appointment of a Kazi for the Madras City.

(*d*) No.

Mr. ABDUL HAMID KHAN :—" May I know from the hon. the Law Member whether a large majority of the people that seemed to have been consulted were not in favour of the other gentleman who should have been appointed, namely, Kazi Moulvi Habib-ul-la ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir ; a large number were in favour of both." (Cries of 'Oh, Oh' from Opposition.)

Mr. ABDUL HAMID KHAN :—" Very wonderful that the Government should secure a large body of opinion in favour of both. I do not know on what basis the Government elected one of them ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The Government consulted the Collector as I already said."

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a Printed as Appendix II on page 345 infra.

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Mr. ABDUL HAMID KHAN :—" The hon. the Law Member says that there is a large body of opinion in favour of both. May I know on what basis the Government appointed the particular person ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Government have taken all facts into consideration and come to the conclusion to the best of their lights."

Mr. ABDUL HAMID KHAN :—" What are the lights ? There is only one light ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" By consultation."

Mr. S. SATYAMURTI :—" I want to know whether the Government really took the opinions of these people in appointing either the one or the other ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Yes."

Mr. S. SATYAMURTI : —" In favour of both ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" In favour of the particular individual."

Mr. S. SATYAMURTI :—" On whose opinions ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" On the opinion of the persons consulted."

Mr. S. SATYAMURTI :—" Who are in favour of both ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" You must ask the Collector for that." (An hon. Member : 'We must ask the Government.')

The hon. the PRESIDENT :—" It will be very convenient to the House if the Member puts the supplementary question after I mention his name."

Mr. BASHEER AHMAD SAYEED :—" May I know, Sir, if the order has not been cancelled, what was the special reason for the Government to follow a special procedure in this case except it be at the instance of the hon. the Home Member whose election agent was the nominee of the Government ? " 11-45 a.m.

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I deny the allegation made by my hon. Friend, Mr. Basheer Ahmad."

Mr. BASHEER AHMAD SAYEED :—" On what basis, Sir ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I asked the hon. the Home Member himself. He has denied it."

Mr. BASHEER AHMAD SAYEED :—" May I ask the hon. the Home Member himself to deny it on the floor of this House, Sir ? "

Resolutions and memorials recommending the appointment of Habib-ul-la as the Kazi of Madras.

* 481 Q.—Mr. ABDUL HAMID KHAN : Will the hon. the Law Member be pleased to state—

(a) the number of public meetings, resolutions of which were communicated to the Government in support of Moulvi Mufthy Haji Habib-ul-la and the places where each of such meetings was held (1) in the City, (2) in the mufassal ;

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(*b*) whether the Government received petitions from the prominent Muslim citizens of Madras appealing to the Government to appoint Moulvi Habib-ul-la alone as the Kazi of Madras;

(*c*) whether the said petitions have been signed by eight Muslim members of the local Legislative Council;

(*d*) whether the Government received a mass memorial signed by the Muslim public appealing to the Government to appoint Moulvi Habib-ul-la and, if so, how many have signed the same;

(*e*) whether the Government received resolutions passed at public meetings questioning the genuineness of signature in mahazars sent on behalf of Mr. Fasi-ud-din and praying for a public enquiry; and

(*f*) whether the Government have taken any steps to hold an enquiry, and if not, why not?

A.—(*a*) *to* (*f*) Resolutions regarding the appointment of a Kazi passed at certain public meetings held in the City and in the mufassal were received by the Government from time to time. A number of memorials urging the appointment of Moulvi Haji Muhammad Habib-ul-la Sahib Bahadur were also received. The Government have not thought it necessary to maintain a list of these representations.

Mr. G. Harisarvottama Rao:—"The Government say that they have received resolutions from various people not only in the city but from all over the province in favour of Haji Habib-ul-la Sahib. Did the Government also receive representations of this nature in favour of the man they have appointed?"

The hon. Diwan Bahadur M. Krishnan Nayar:—"Oh, yes. Many representations."

Mr. G. Harisarvottama Rao:—"May I know whether the Government have weighed them?"

The hon. Diwan Bahadur M. Krishnan Nayar:—"Yes."

Mr. K. Uppi Sahib:—"Did the hon. the Law Member consider the opinion of the Members of the Legislative Council and the opinion of the Muslim public?"

The hon. Diwan Bahadur M. Krishnan Nayar:—"There are as many respectable persons outside the Council as there are in the Council."

Mr. Abdul Hamid Khan:—"May I know whether he is not aware of the fact that at least a very large majority out of the 13 Muslim Members of this House are in favour of the gentleman in whose favour representations were made and not in favour of the man whom the Government have appointed under the advice of the Muslim Member of the Cabinet?"

The hon. Diwan Bahadur M. Krishnan Nayar:—"If my hon. Friend makes that statement, I will accept it as correct."

Mr. Abdul Hamid Khan:—"I ask whether the Government is not aware of it."

The hon. Diwan Bahadur M. Krishnan Nayar:—"The Government have not scrutinized the nature and qualifications of the signatories to the various memorials."

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Mr. Abdul Hamid Khan :—"May I know whether the Government did not know that there are ten members of this Council who are in favour of the appointment that was not made?"

The hon. Diwan Bahadur M. Krishnan Nayar :—"In fact, there were many signatories to the memorials. They did not scrutinize the signatures in the memorials."

Mr. P. C. Venkatapati Raju :—"Apart from the Muslim Members of this Council being as much respectable as others outside the Council, does not the Government know that they are representatives of the Muslim community?"

The hon. Diwan Bahadur M. Krishnan Nayar :—"They are representatives of certain portions of the Muhammadan community."

Alleged deputation to His Excellency the Governor of Madras regarding the appointment of the Kazi of Madras.

* 482 Q.—Mr. Abdul Hamid Khan : Will the hon. the Law Member be pleased to state—

(*a*) what was the Collector's report as to the fittest person for the office of the Kazi of Madras;

(*b*) whether a deputation of leading Muslims waited on His Excellency the Governor and the hon. the Law Member in connexion with the appointment of the Kazi and, if so, what their representation was;

(*c*) whether the said deputation declared that Moulvi Haji Habib-ul-la was the fittest person for the place; and

(*d*) whether any deputation waited upon His Excellency the Governor or the hon. the Law Member requesting the appointment of Mr. Fasi-ud-din?

A.—(*a*) The Government do not propose to publish the report of the Collector on the subject.

(*b*) & (*c*) A deputation of a certain section of the Muhammadans of Madras waited on His Excellency the Governor on the 9th January 1928. The hon. Sir C. P. Ramaswami Ayyar was also present when the deputation was received by His Excellency. The deputation urged that there should be only one Kazi for the whole of Madras entitled to give fatwas or decisions on religious and secular matters affecting Muhammadans and that Moulvi Haji Habib-ul-la was the fittest person to be the Kazi.

(*d*) No.

Mr. Abdul Hamid Khan :—"May I know from the hon. the Law Member whether there was any deputation in favour of the gentleman whom they have appointed?"

The hon. Diwan Bahadur M. Krishnan Nayar :—"There was no deputation."

Mr. Abdul Hamid Khan :—"May I know what the Government did after receiving the deputation in favour of Haji Habib-ul-la Sahib?"

The hon. Diwan Bahadur M. Krishnan Nayar :—"The opinion of a deputation is not the sole basis on which appointments are made."

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Mr. ABDUL HAMID KHAN :—" May I know the names of the persons who formed that deputation ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The names of the persons that waited on His Excellency are not kept in the Government Office. I saw their names in the 'Madras Mail'."

Mr. ABDUL HAMID KHAN :—" Is the hon. the Law Member aware that that deputation was representative of all sections of opinion and of all classes of people not only from the City but from all parts of the Presidency ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I am not aware."

Qualifications of Mr. Fasi-ud-din to discharge the functions of the Kazi of Madras.

*483 *Q.*—Mr. ABDUL HAMID KHAN : Will the hon. the Law Member be pleased to state—

(*a*) what the functions of the Kazi are ;

(*b*) whether the Government will be pleased to place on the table copy of G.O. No. 331, Political, dated 24th May 1899 ;

(*c*) whether it is a fact that it is a function of the Kazi to furnish opinion to the Government and public relating to Muslim Law and custom ; and

(*d*) whether the Government have considered whether Mr. Fasi-ud-din is competent to give authoritative opinion or fatwas to the Government and Muslim public as contemplated in G.O. No. 331, Political, dated 24th May 1899 ?

A.—(*a*) & (*c*) So far as Government are concerned, the functions of a Kazi are contained in the Preamble to the Kazis Act, XII of 1880.

(*b*) A copy of the order [a] of Government is placed on the table of the House.

(*d*) The Government are not called upon to consider whether a person to be appointed Kazi should be competent to give authoritative opinions or fatwas as stated by the hon. Member. The main test they have to apply with reference to section 2 of the Act is whether the person proposed for appointment is acceptable to the principal Muhammadan residents of the local area concerned.

Mr. ABDUL HAMID KHAN :—" In clause (*d*) of the answer to this question the Government say that they are not called upon to consider whether a person to be appointed Kazi should be competent to give authoritative opinions or fatwas as stated by the hon. Member. May I know, Sir, whether the Government is so ignorant of the fact that a Kazi who is appointed has to give fatwas affecting the religion and the other fundamental things of the Muslim community ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The sole guidance of the Government in this matter is the Preamble to the Kazis Act."

[a] Printed as Appendix III on page 343 infra.

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Mr. Basheer Ahmad Sayeed :—" May I know whether the Government is not aware that the courts especially the City Civil Court and also a congregation of the public have condemned the man that has been appointed by the hon. the Law Member at the instance of the hon. the Home Member? "

The hon. the President :—" The hon. Member need not repeat the words ' at the instance of the hon. the Home Member.' I rule them out of order."

Mr. Basheer Ahmad Sayeed :—" Then may I ask, Sir, whether the nominee appointed by the Government is a condemned man, both by the Muslim congregation and also condemned by the passing of severe strictures by the City Civil Court as to his character and status? "

The hon. Diwan Bahadur M. Krishnan Nayar :—" The Government are not aware."

Mr. Abdul Hamid Khan :—" May I know whether the hon. the Law Member will take the trouble, at least now, to rectify the mistake, by knowing what sort of man they have appointed? "

The hon. Diwan Bahadur M. Krishnan Nayar :—" There is no need to rectify, because the Government do not think that they have done a wrong thing."

Mr. Abdul Hamid Khan :—" Will the Government make any such enquiry on the allegations that have been made? "

The hon. Diwan Bahadur M. Krishnan Nayar :—" No, Sir."

Mr. Abdul Hamid Khan :—" Since these allegations have been made, will not the Government think it necessary to revise its views? "

The hon. Diwan Bahadur M. Krishnan Nayar :—" These are baseless allegations ; the Government will not make enquiries."

Panchayat Courts

Election rules under the Village Courts Act.

*484 *Q.*—Mr. A. B. Shetty : Will the hon. the Law Member be pleased to state—

(*a*) whether the Government have received any complaints to the effect that the election rules made under the Village Courts Act give an advantage to the candidates belonging to the village where the election is held, since the adult males resident in that place usually come in larger numbers to the polling station than people from other villages belonging to the same group ;

(*b*) whether it is a fact that members of the panchayat court are in some cases all elected from only one of the villages constituting the group for which the said court has been established ; and

(*c*) whether the Government have at any time considered the desirability of modifying the rules so that all the villages constituting the group may have equal facilities in electing their representatives?

A.—(*a*) No.

(*b*) The Government have no information.

(*c*) No.

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Education

Independent building for the Government Institute of Commerce.

* 485 Q.—Mr. C. Gopala Menon : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) what steps have been taken to provide the Government Institute of Commerce with an independent building ; and

(b) how long this Institute has been in working in Madras and whether the Government have any idea of re-organizing it ?

A.—(a) A site on the Esplanade for the construction of a building for the Government Institute of Commerce has been chosen and provision has been made in the current year's budget for a beginning to be made in the construction of the building.

(b) The Government Institute of Commerce was opened on 3rd September 1918. No proposal for the re-organization of the Institute is under consideration.

Vernaculars as medium of instruction in high schools.

* 486 Q.—Mr. A. Kaleswara Rao : Will the hon. the Minister for Education and Local Self-Government be pleased to state whether the Government have taken any and if so, what steps to encourage the imparting of instruction in all non-language subjects through the medium of the vernaculars in all high schools in the Presidency ?

A.—A circular has been issued to managers of schools informing them that they are at liberty to choose either English or vernacular as the medium of instruction in Forms IV, V and VI of high schools. Question papers in non-language subjects at the S.S.L.C. Public examination are set both in English and in the vernacular languages.

Committee appointed by Government to consider the problem of physical education.

* 487 Q.—Mr. A. Kaleswara Rao : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) what are the names of the members of the Committee appointed by the Government to consider the problem of physical education in the Presidency in accordance with the resolution passed in the Council on 24th January 1928 ; and

(b) whether the committee has submitted any report ; if so, whether the Government will be pleased to place it on the table of the House ?

A.—(a) The names of the members of the committee appointed by the Government to report on physical education in secondary schools for boys are as follow :—

(1) The hon. Mr. Justice H. O. C. Beasley, *President*.
(2) Mr. H. O. Kershaw, Inspector of European Schools.
(3) Mr. S. E. Ranganathan, Additional Professor of English, Presidency College, Madras.
(4) M.R.Ry. C. Ramaswami Nayudu Garu, Assistant Director of Agriculture, Bellary.

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(5) Mr. H. F. Saunders, Acting Additional Deputy Director of Public Instruction, Madras.
(6) Mr. H. C. Buck, Physical Adviser to Government.
(7) Mr. R. Foulkes, O.B.E., M.L.C., President, District Board, Madura.
(8) M.R.Ry. Rao Bahadur B. Muniswami Nayudu Garu, M.L.C., President, District Board, Chittoor.
(9) Janab Abdul Hye Sahib Bahadur, M.L.C.
(10) The Rev. A. R. Penn, St. John's College, Palamcottah.
(11) M.R.Ry. A. B. Shetty Avargal, M.L.C.
(12) „ R. S. Ramachandra Rao Avargal, Headmaster, Samasthanam High School, Bobbili.
(13) G. T. J. Thaddaeus, B.A., one of the Organizing Secretaries of the Boy Scouts Association, Madras.
(14) Lt. C. K. Lakshmanan, I.M.S., St. Thomas Mount.
(15) The District Educational Officer, Madras (to be also the Secretary to the committee).

(b) The committee has not yet submitted its report. The question of placing it on the table of the House will be considered after its receipt.

Acquisition of land for extending the Lady Willingdon Training College.

* 488 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) when proposals for the acquisition of land for extension of the Lady Willingdon Training College were received ;

(b) when the boundaries of the land needed for the purpose were fixed and by whom ; and

(c) the stage at which the matter now is?

A.—(a) In 1926.

(b) In 1927—By the Collector of Madras in consultation with the Director of Public Instruction.

(c) The site selected for the college forms part of the fishing village acquired by Government in connexion with the Marina hospital scheme which has since been abandoned. The original owners are still in occupation of the site and steps are being taken to provide them with lands elsewhere. When this is done, the site will become available for the college.

Deputy and sub-inspectors of schools in South Kanara and some other districts.

* 489 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the number of deputy and sub-inspectors of schools in the Educational department in each of the districts of South Kanara, Malabar, Coimbatore, Nilgiris and Salem ;

(b) how many of them have been appointed from among Indian Christians—

(1) Roman Catholics, and
(2) Protestants during the last five years ; and

(c) how many applications from Indian Christians were received for such posts and were refused?

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A.—Information has been called for from the Director of Public Instruction.

Recognition of Arabic schools.

* 490 *Q.*—Mr. MAHMUD SCHAMNAD: Will the hon. the Minister for Education and Local Self-Government be pleased to state with reference to the answer to clause (*b*) (1) of my question No. 1525, dated 27th February 1928—

(*a*) why the Government have not recognized Arabic schools just as they have recognized Sanskrit schools and whether one Mr. Muhammad Sherale applied more than once to recognize his Arabic school of Podur near Kumblar;

(*b*) whether the Government will consider the advisability of issuing curricula for advanced and elementary Arabic schools as early as possible;

(*c*) whether they give any annual grant to the Kurnool Arabic College (Madrasa Islamia); if so, whether they annually inspect and ascertain the kind and nature of work turned out in that college before making the grant and through whom they ascertain; and

(*d*) whether the Government will be pleased to appoint an officer to control and inspect Arabic colleges and schools?

A.—(*a*) No Arabic schools have been recognized till now for want of applications from schools imparting secular instruction.

The application referred to by the hon. Member has been received and is under the consideration of the Director of Public Instruction.

(*b*) Courses of studies in Arabic schools will be prescribed when such schools are opened.

(*c*) Grants are paid to the Arabic College, Kurnool, in accordance with rules 45 and 46 of the Grant-in-Aid Code. The College authorities submit a financial statement each year.

(*d*) As there is only one recognized Arabic institution at present there is no need to appoint an officer as proposed by the hon. Member.

Mr. MAHMUD SCHAMNAD :—" With reference to the answer to clause (*b*) may I know whether the prescription of text-books and courses of studies is not a condition precedent to the opening of schools? "

The hon. Dr. P. SUBBARAYAN :—" When the schools become large in number that would be the time to prescribe courses of studies."

Mr. BASHEER AHMAD SAYEED :—" May I know whether Arabic schools in this Presidency number more than several thousands and whether the Minister will recognize them? "

The hon. Dr. P. SUBBARAYAN :—" I want notice."

Mr. MAHMUD SCHAMNAD :—" May I ask whether it is possible to teach even in a single school without the courses of studies being prescribed? "

The hon. Dr. P. SUBBARAYAN :—" I want notice."

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Alleged refusal of scholarship to Miss Amina in the Queen Mary's College.

*491 Q.—Mr. K. Uppi Sahib: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) whether the Mappilla lady student named Miss Amina studying in the Queen Mary's College or her father applied to Government for a scholarship for her and whether it was refused on the plea that her father's income was about Rs. 450 per mensem;

(*b*) what is the principle on which scholarships are granted to Mappillas —is it for their poverty or to encourage education among them, or for both purposes;

(*c*) whether Miss Amina is the first and perhaps the only Mappilla girl who has taken to higher education so far; and

(*d*) who furnished the Government with the information of her father's income and whether the hon. the Minister will be pleased to enquire again and ascertain whether the income comes up to more than Rs. 100 per mensem?

A.—(*a*) An application on behalf of the student was received by Government. The Director of Public Instruction has now awarded an ordinary scholarship to Miss Amina.

(*b*) In awarding scholarships to Mappillas, both considerations are taken into account.

(*c*) The Government are informed that Miss Amina is the first Mappilla lady to attend a college

(*d*) In view of the answer to clause (*a*), no further enquiries are necessary.

Local Boards

Nomination of increased number of ladies to local boards.

*492 Q.—Mr. A. Kaleswara Rao: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) in how many local boards Indian ladies have been appointed as members;

(*b*) whether the Government propose to nominate very early Indian ladies in other local bodies also; and

(*c*) whether the Government will consider the advisability of nominating more than one lady to each local body?

A.—(*a*) With regard to district boards the hon. Member should have been able to obtain the information he requires from Part I-A of the *Fort St. George Gazette* which is supplied to all Members of the Legislative Council. Indian ladies have been nominated to ten district boards. Appointments of members of taluk and union boards are made by the presidents of district boards and presidents of taluk boards respectively and the Government are not in possession of the required information with regard to them.

(*b*) & (*c*) The policy of Government is to nominate Indian ladies to municipal councils and district boards as opportunities offer.

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Appointment of depressed classes as presidents of local boards.

* 493 *Q.*—Mr. V. I. MUNISWAMI PILLAI : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) whether any member of the depressed classes has hitherto been appointed as the president of any local boards in the Presidency ; and

(*b*) if not, whether the Government will be pleased to appoint a few deserving ones ?

A.—(*a*) No.

(*b*) The question will be considered if suitable men are available, but there are only six local boards in all, which do not enjoy the right to elect their presidents.

Mr. V. I. MUNISWAMI PILLAI :—" With reference to the answer to clause (*b*) of this question, may I know whether the hon. Minister has at any time made enquiries to ascertain whether members of the depressed classes are available to act as presidents ? "

The hon. Dr. P. SUBBARAYAN :—" There are two district boards and four taluk boards which have got nominated presidents. As a matter of fact in one of these district boards the presidentship is now being thrown open to election. The Government are considering whether a man could be nominated. They did make an enquiry to ascertain whether a member of the depressed classes was available fit enough to be president of the board."

Grants for second-class roads in Ceded districts.

* 494 *Q.*—Mr. R. NAGAN GOWDA : In view of the assurance given by him on 24th January 1928, regarding the grants for second-class roads in Ceded districts, will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) whether the matter was placed before the Local Bodies Advisory Committee ;

(*b*) if so, whether the Committee agreed to the increase of grants ; and

(*c*) whether the Government now propose to grant higher amounts for the maintenance of second-class roads in the Ceded districts ?

A.—(*a*), (*b*) & (*c*) The matter has not yet been placed before the Advisory Committee.

Mr. R. NAGAN GOWDA :—" May I know how soon the hon. Minister will be able to put the matter before the advisory committee ? "

The hon. Dr. P. SUBBARAYAN :—" I hope to place it at the beginning of next week when the advisory committee meets."

Introduction of Bills to amend the Madras Local Boards Act, etc.

* 495 *Q.*—The ZAMINDAR OF GOLLAPALLI : Will the hon. the Minister for Education and Local Self-Government be pleased to state when the amendments to the following Acts will be placed before the Council :—

(1) The Madras Local Boards Act.
(2) The Hindu Religious Endowments Act.
(3) The Village Panchayat Act.

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A.—In regard to the Bill to amend the Hindu Religious Endowments Act, the attention of the hon. Member is invited to the answer given to Question No. 87 at the meeting held on 4th September 1928. The draft of the Village Panchayat Bill is under scrutiny. The Bill to amend the Madras Local Boards Act with the criticisms received thereon from local bodies and individuals consulted is being placed before the Local and Municipal Advisory Committee at a meeting to be held on the 15th October.

Municipal Councils

Introduction of amending Bill to the District Municipalities Act.

* 496 *Q.*—Mr. A. KALESWARA RAO: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) when the Government propose to introduce an amending Bill to the District Municipalities Act;

(*b*) whether a draft amending Bill is ready;

(*c*) whether the Government propose to abolish nominations altogether; and

(*d*) whether the Government propose to reserve seats to Mussalmans, Indian Christians and depressed classes in elections?

A.—(*a*) & (*b*) A draft Bill has been prepared and referred to municipal councils for an expression of their opinions by the 1st December 1928. The provisions of the Bill will be scrutinized in the light of the remarks received and after the completion of the scrutiny steps will be taken to introduce the Bill.

(*c*) The Government propose to abolish nominations reserving however power to appoint to any municipal council such number of persons as they think fit, not exceeding three to represent the European or Anglo-Indian communities or officers of Government. Persons so appointed will be supernumerary councillors irrespective of and in addition to the strength fixed for the Council.

(*d*) Yes.

Mr. A. KALESWARA RAO:—"May I know why officers of Government are necessary in the municipal councils?"

The hon. Dr. P. SUBBARAYAN:—"I thought the experience gained by such officials in the district would be useful for the proper administration of local bodies."

Mr. A. KALESWARA RAO:—"May I know whether they would not be unduly influencing the other members?"

The hon. Dr. P. SUBBARAYAN:—"That is asking for information."

Publication of the preliminary list of voters for Saidapet municipality.

* 497 *Q.*—Mr. C. N. MUTHURANGA MUDALIYAR: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) whether the Government have received a memorial from certain voters of the Saidapet municipality, complaining about the Chairman's action in the matter of the publication of the preliminary list of voters for ward IV and seeking Government's intervention in the matter;

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(*b*) whether it is a fact that ward IV is now represented by the Chairman ;

(*c*) whether the Government have taken or propose to take any action on the memorial ; and

(*d*) whether the Government contemplate to amend the Madras District Municipalities Act at an early date ?

A.—(*a*) & (*b*) Yes.

(*c*) The Government inquired into the allegations made in the memorial referred to and saw no reason to interfere.

(*d*) Yes.

Mr. C. N. MUTHURANGA MUDALIYAR :—" May I know whether with reference to clause (*a*), the hon. the Minister for Local Self-Government is aware that the preliminary list of voters was not published as required by sub-section (*c*) of section 3 of the rules for the preparation of electoral rolls ? "

The hon. Dr. P. SUBBARAYAN :—" I want notice."

Alleged complaints against the Chidambaram Municipal Chairman for not sending notices of meetings.

* 498 *Q.*—Mr. R. SRINIVASA AYYANGAR : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) whether it is a fact that Mr. A. Kumaravelu Pandaram, an Adi-Dravida, was nominated in June 1926 as a Councillor, to the Municipal Council, Chidambaram, in the vacancy caused by Mr. Sahajanandam Swami's failure to attend for three consecutive months the meetings of the Council ;

(*b*) whether the notification issued under section 10 of the District Municipalities Act expressly restricted the period of tenure of office of the said Mr. A. Kumaravelu Pandaram ;

(*c*) whether the Government are aware that the Chairman of the Chidambaram Municipal Council did not send to Mr. Kumaravelu Pandaram any notice of the meeting fixed for 20th September 1927 ;

(*d*) whether the Government are aware that the Chairman to whom representation was made by Mr. Pandaram replied that " his period of councillorship has expired on 14th September 1927 " ;

(*e*) whether the period of councillorship of Mr. Pandaram did actually expire on 14th September 1927 ; and does not extend up to 14th September 1929 ;

(*f*) whether representations have been made to Government by Mr. Pandaram in June 1928 and August 1928 complaining against the action of the Chairman in not sending him notices of meetings since September 1927 ;

(*g*) whether the Government have taken any and, if so, what action thereon ; and

(*h*) whether the seat held by Mr. Pandaram is still vacant or has been filled up ?

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A.—(*a*) Yes.

(*b*) The notification of appointment placed no restriction upon his term.

(*c*), (*d*) & (*f*) In August 1928 the Government received a petition from Mr. A. Kumaravelu Pandaram stating that the Chairman had ceased to send notice of meetings to him from November 1927. The Chairman reported that Mr. Pandaram had become disqualified in September 1927 as he had ceased to reside within two miles of municipal limits but the Chairman does not seem to have apprised him of this decision until he protested against non-receipt of notice to attend meetings.

(*e*), (*g*) & (*h*) The Collector of South Arcot has been asked to investigate and report whether M.R.Ry. A. Kumaravelu Pandaram Avargal should or should not be regarded as having vacated his seat on the Chidambaram Municipal Council. Meanwhile the seat has not been filled up.

Mr. R. SRINIVASA AYYANGAR :—" May I ask the hon. the Chief Minister to state whether he is aware that when Mr. Kumaravelu Pandaram protested against the non-receipt of notice to attend the meeting, the Chairman of the Municipal Council, Chidambaram, did not state as contained in the answer that ' Mr. Pandaram had become disqualified in September 1927 as he had ceased to reside within two miles of municipal limits ' but states on a communication to him in September 1927 that ' his period of councillorship has expired on 14th September 1927 and hence he need not be anxious for his absence in the Council ?' Is not this reason inconsistent with and totally opposed to the statement contained in the report of the chairman ? "

The hon. Dr. P. SUBBARAYAN :—" I am not aware of it. But now that the hon. Member has got in his possession a document which shows that this was not the reason given by the municipal council chairman, I will cause enquiry to be made."

Mr. R. SRINIVASA AYYANGAR :—" To find out how the chairman happened to give two contrary versions and which of the two versions is true ? "

The hon. Dr. P. SUBBARAYAN :—" Yes. That is what I meant."

Mr. SAMI VENKATACHALAM CHETTI :—" Granting that that gentleman ceased to reside within two miles of the municipal limits of Chidambaram, does that constitute a disqualification."

The hon. Dr. P. SUBBARAYAN :—" I do not think that is a disqualification for nomination."

Mr. SAMI VENKATACHALAM CHETTI :—" Are the Government aware that such devices are being resorted to by various chairmen of municipalities in the presidency ? "

The hon. Dr. P. SUBBARAYAN : —" Well, I have had some cases like that. I am glad that my hon. Friend's experience has been the same."

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Religious and Charitable Endowments

Alleged nominations to temple committees in spite of electoral rolls.

* 499 *Q.*—Mr. S. SATYAMURTI : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) the names and number of temple committees in respect of which electoral rolls are ready and to which he has made nominations instead of elections ; and

(*b*) the reasons for this course ?

A.—(*a*) 1. Bellary District Temple Committee.
2. Chittoor ,,
3. Ganjam ,,
4. Guntur ,,
5. Kistna ,,
6. Kurnool ,,
7. Kumbakonam Circle Temple Committee (Tanjore district).
8. Nellore District Temple Committee.
9. Trichinopoly Circle ,, } Trichinopoly district.
10. Turaiyur Circle ,, } Trichinopoly district.
11. Ariyalur Circle ,, } Trichinopoly district.

(*b*) The reason in most cases was the inability of the committees to meet the expenses of elections and in the remainder the impossibility of holding elections in time so that the elected members might assume office on the expiry of the term of the committees.

Mr. S. SATYAMURTI :—" With reference to the answer to clause (*b*) of this question may I know in how many of these cases the reason is the inability of the committees to meet the expenses of elections and in how many cases for want of time to hold elections before the expiry of the term of members holding office at the time ? "

The hon. Dr. P. SUBBARAYAN :—" I am afraid I will have to ask for notice, Sir."

Medical

Construction of a hostel for the Madras Medical College.

* 500 *Q.*—Mr. B. RAMACHANDRA REDDI : Will the hon. the Minister for Public Health be pleased to state—

(*a*) whether it is a fact that for several years past, the question of constructing a hostel for the Madras Medical College, has been under the consideration of the Government ; if so, for what reasons it is being delayed or postponed ;

(*b*) whether the Government are aware that the students of the Medical College are put to a lot of difficulty for want of healthy and convenient quarters for their accommodation ; and

(*c*) whether the Government have made any provision in the next budget for the same ; if not, whether they will be pleased to consider the matter at once ?

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A.—(*a*) The question had to be held in abeyance for a long time pending the decision of the question of the removal of the General Hospital and the Medical College to another site. This having been decided, the Government sanctioned last year the construction of a hostel for 222 students on the site of the old lascar lines in Vepery, at an approximate cost of Rs. 2,96,100. The land has been acquired from the Military Department and funds have been provided for the buildings in the current year's budget. The Surgeon-General has proposed a revised design for the hostel and this is now under consideration. A hostel for lady students has been in use since July 1927.

(*b*) Yes.

(*c*) Please see the answer to clause (*a*). Necessary provision will be made for the work in the budget for 1929–30.

Public Health

Prevalence of cholera and malaria in Kurnool district.

*501 *Q.*—Mr. G. Harisarvottama Rao: Will the hon. the Minister for Public Health be pleased to state—

(*a*) whether he is aware of the fact that in the Kurnool district while still cholera has not subsided, malarial fevers have been growing extensively;

(*b*) whether he will call for a report immediately; and

(*c*) whether in the meanwhile he will order the issue of quinine free, as a temporary measure, for this season to be distributed by such agencies as the Government may approve as the Health Officers, Health Inspectors, Presidents, Local Boards, Chairmen, Municipalities, Members of Legislatures, Recognized Missionary Doctors, etc.?

A.—(*a*) & (*b*) The following statement shows the total mortality from fever in the Kurnool district, during the months of January to July in 1927 and 1928.

Months.	Deaths from fevers during 1927.	1928.
January	1,038	1,147
February	1,038	985
March	949	1,414
April	1,046	1,749
May	1,060	1,640
June	956	1,157
July	1,180	1,270

Figures are not available regarding the number of deaths from different kinds of fevers. As a result of the enquiries made by his Department the Director of Public Health has reported that the high incidence of fevers in the district during 1928 was due to the prevalence of a mild form of influenza.

(*c*) During the current year the Government have sanctioned a scheme for the free distribution of quinine in certain specially malarial tracts. The Koilkuntla taluk has been included in the scheme. The question of extending the scheme to other specially malarious areas will be considered if the results of the free distribution are found to be beneficial.

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Mr. G. HARISARVOTTAMA RAO :—" May I ask the hon. Minister for Public Health in view of the fact that there have been as many as 9,362 deaths from fever in 1928 in the district, whether he will consider the advisability of distributing quinine free in other areas of the district as the supply to Koilkuntla taluk is restricted to one headquarter taluk hospital, two rural dispensaries and one dispensary and their patients ? "

The hon. Dr. P. SUBBARAYAN :—" The Government are quite prepared to consider the suggestion of my hon. Colleague. But he is not right in saying that the use of the quinine supplied free is restricted to the patients."

Number of deaths from cholera in Kurnool district.

* 502 *Q.*—Mr. G. HARISARVOTTAMA RAO : Will the hon. the Minister for Public Health be pleased to state talukwar in the Kurnool district for the current year up to the 25th August 1928—

(*a*) the number of attacks and deaths from cholera ; and

(*b*) the measures taken to combat the disease ?

A.—(*a*) A statement [a] showing the number of attacks and deaths from January 1928 up to the end of August 1928 is laid on the table.

(*b*) A report [b] showing the action taken is laid on the table.

Prevention of malaria prevailing in jungle areas.

* 503 *Q.*—Mr. J. A. SALDANHA : Will the hon. the Minister for Public Health be pleased to state—

(*a*) whether it is a fact that malaria prevails in an abnormal degree in areas near jungles rather than in areas further away ;

(*b*) if so, whether Government have got the results of the investigation by experts or tried to get into the bottom of the causes of such prevalence of malaria ; and

(*c*) what remedies Government propose to adopt to prevent and minimize the evil of malaria ?

A.—(*a*) That is a very general impression but the Government cannot confirm or contradict it as the work of the Special Malaria Establishment has hitherto been confined almost entirely to municipal areas.

(*b*) The Government have got the result of the investigations so far made and further investigations are going on.

(*c*) The attention of the hon. Member is invited to the answer given to question No. 423.

Registration

Statement showing the number of clerks and the work in the Registration offices in the Presidency.

* 504 *Q.*—Mr. J. A. SALDANHA : Will the hon. the Minister for Public Health be pleased—

(i) to place before the Council a statement showing the number of clerks in each of the Registration offices in the Presidency and excess over the standard of work done in each office by the clerks during the years 1925–26, 1926–27 and 1927–28 ; and

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a Printed as Appendix IV (i) on pages 344–346 infra.

Printed as Appendix IV (ii) on pages 346–349 infra.

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(ii) to state—

(*a*) how many of the offices have only one permanent clerk;

(*b*) how many of the sub-registrars are special magistrates and whether such sub-registrars have special establishment for doing the clerical work involved in carrying out magisterial duties;

(*c*) if there is serious excess over the standard work, what steps Government have taken or propose to take to provide adequate clerical establishment in the Registration offices;

(*d*) what is the number of hours of work a day required by standing orders from clerks in the Registration offices and what has been the actual average number of hours of attendance by each clerk in the several Sub-Registration offices in South Kanara in 1927–28;

(*e*) whether it is a fact that applications for encumbrance certificates have increased considerably and whether there is delay in meeting the public demand owing to the additional burden on the permanent establishment; and

(*f*) what steps have been taken or are being taken to relieve the strain to the existing permanent establishment in meeting the public demand?

A.—A report has been called for.

Industries

Grant of the first loan to the Carnatic Paper Mills Company, Limited.

*505 *Q.*—Mr. K. V. R. Swami: Will the hon. the Minister for Development be pleased to state—

(*a*) whether the Government was aware when the first loan was granted what amount of money was required for the working capital of the Carnatic Paper Mills;

(*b*) whether the Government desired to advance the working capital also when the first loan was made;

(*c*) if so, why the amount was not lent; and

(*d*) if not, why the first loan was granted when the Government was satisfied that the mills were not likely to work at all for want of capital?

A.—(*a*) No; but the Company applied for six lakhs of rupees to discharge certain existing debts and provide a small working capital which they hoped to supplement by raising further share capital.

(*b*) No.

(*c*) & (*d*) The questions do not arise.

UNSTARRED QUESTION.

Irrigation

Alleged memorial about the Kattalai scheme to His Excellency the Governor from the ryots and mirasidars of Trichinopoly and other taluks.

506 *Q.*—Mr. S. Arpudaswami Udayar: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether it is a fact that a memorial was presented to His Excellency the Governor in the first week of September 1928, signed by a large number of ryots and mirasidars of the Kadaramabam parts of the Kulittalai and Trichinopoly taluks;

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(b) if so, what action the Government propose to take in the matter;

(c) whether they propose to extend the area of irrigation in the Trichinopoly district by carrying out the Kattalai scheme; and

(d) whether more than 10,000 acres of wet lands were silted up during the floods of 1924 and whether the Government have any scheme for the utilization of the unused water for irrigating other lands in the Trichinopoly district?

A.—(a) Yes.

(b) The memorial is under the consideration of the Government.

(c) If by the expression 'Kattalai scheme' the hon. Member means the Kattalai canal scheme which formed part of the original Cauvery Reservoir Project, this is one of the questions to be considered along with others raised in the memorial.

(d) The total area of wet lands in the Trichinopoly district which were silted up during the floods of 1924 was 6,240·27 acres and the total extent of dry lands silted up was 1,043·21 acres.

As regards the enquiry in the latter portion of the clause, the whole question of extension of irrigation in the Trichinopoly district has been raised in the memorial which is under consideration. So far, the only scheme which is under consideration is the High Level channel scheme connected with the Right (or South) Bank canal, expected to irrigate 9,000 acres approximately.

II

COMMUNICATIONS TO THE COUNCIL.

12 noon. With reference to the answers given to questions Nos. 27 and 28 at the meeting of the Legislative Council held on 3rd September 1928, the Secretary laid on the table copies of G.O. No. 2113,[a] Revenue, dated 11th September 1928, giving the names of the villages selected for the collection of statistics relating to mortgages and the sale and lease values of lands in the East Godavari, West Godavari and Kistna districts.

With reference to the answer given to the supplementary question No. 1 at the meeting of the Legislative Council held on 3rd September 1928, the Secretary laid on the table copies of the note of the Revenue Department containing the report[b] of the Court of Wards regarding the increase of seigniorage rates in the forests of Bodokhemidi Estate.

With reference to the answer given to a supplementary question to question No. 261 at the meeting of the Legislative Council held on the 8th September 1928, the Secretary laid on the table copies[c] of the statement showing the number of shops closed or opened in the Ceded districts after the formation of the Excise Advisory Committees.

Placed on Editors' Table.

[b] Printed as Appendix V at page 349–350 infra.

Printed as Appendix VI at page 350 infra.

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

III

BILLS TO AMEND THE ANDHRA UNIVERSITY ACT, 1925.

* Mr. P. C. VENKATAPATI RAJU :—" Mr President, Sir, I move under Standing Order No. 34 that items Nos. 1 to 7 on the agenda be passed over and that item No. 8 be taken up for consideration. My reasons for moving this motion are these. All the first seven Bills deal with specific points, whereas Bill No. 8 deals with the main principles of the Andhra University Act. The question is whether the Andhra University should be a unitary teaching university or a federal type of university with the headquarters at a place where there is no centre. My Bill seeks to amend the Act in such a way that the University should be of a unitary and teaching type and it may be located somewhere. Once this main thing is considered and disposed of, the question of the location may be considered with advantage by the Council. I therefore move that items Nos. 1 to 7 on the agenda be postponed till after item No. 8 is disposed of by the Council."

Mr. P. ANJANEYULU :—" I second it."

* The hon. the PRESIDENT :—" The question is that items Nos. 1 to 7 on the agenda be postponed until item No. 8 has been disposed of."

The hon. Dr. P. SUBBARAYAN :—" I have no objection to the course suggested."

* Mr. P. SIVA RAO :—" Mr. President, Sir, I have one suggestion to make in considering the large number of Bills on the question of the Andhra University. I do not agree with the hon. Member from Vizagapatam that item No. 8 should be taken up first. I think it would be better if item No. 2, i.e., the Bill of Mr. Nagan Gowda is taken up for consideration first."

*The hon. the PRESIDENT :—" If the hon. Member wants to propose another motion I would advise him first to oppose the present motion and get it disposed of."

* Mr. P. SIVA RAO :—" I shall give my reasons for opposing this motion The hon. Member Mr. Nagan Gowda wants to exclude Bellary from the operation of the Andhra University Act. In connexion with that the hon. Member, the Zamindar of Gollapalli, has given notice of an amendment to the effect that the Bill be referred to a Select Committee. Now if the amendment of the Zamindar of Gollapalli is carried, by the Council, all the other Bills will have to be held up till the Select Committee has reported on this. So the decision of the Council on Mr. Nagan Gowda's Bill which wants that Bellary should be excluded from the Andhra University area, will have a material bearing on the consideration of the other Bills. I therefore oppose the motion for the postponement."

Mr. A. V. BHANOJI RAO :—" Sir, I have given notice of some amendments and, if this motion is passed, I will lose the right of moving them. Unless the hon. the President allows the moving of those amendments . . ."

* The hon. the PRESIDENT :—" I cannot make any promise in advance."

Mr. A. V. BHANOJI RAO:—" Sir, since it would prejudice the consideration of my amendments, I oppose the motion for postponement."

The ZAMINDAR OF GOLLAPALLI :—"I oppose this motion. These Bills have been arranged in some order and I don't see any reason to accept the motion."

* Mr. A. KALESWARA RAO .—" Mr. President, Sir, those who have opposed this motion are under a misapprehension The Select Committee has come to the conclusion that it should be a teaching and residential university. If we do not decide that point now, all the labours of the Select Committee will be wasted. The question of the location of the university may be decided later on after the type of university is settled first and after we have decided what we should do with regard to the first grade colleges, etc. I therefore support the motion of Mr P. C. Venkatapati Raju."

* Sriman BISWANATH DAS Mahasayo :—" I am very sorry that my friend, Mr. Venkatapati Raju, has taken this course without giving us any indication of his views on the subject."

* Mr. P. C. VENKATAPATI RAJU :—" Personal explanation, Sir."

* The hon. the PRESIDENT :—" The hon. Member may give it at a later stage."

* Sriman BISWANATH DAS Mahasayo :—" The hon. Member's Bill consists of two parts, one relating to the type of the university and the other regarding the location of it. I think the hon. Member is taking away the chances of Vizagapatam, Guntur and many other places and such of those as have got no motions on the agenda with regard to his Bill. So I do not think my hon. Friend will be justified in asking that his Bill should be taken up first before the other Bills put on the agenda. And that especially after your statement that you would give no permission to move new motions."

* The hon. the PRESIDENT :—"I only said I could not hold out any promise in advance."

* Sriman BISWANATH DAS Mahasayo :—" That is exactly what I am saying.

" In view of that statement I think it will be highly prejudicial to the best interests of other places to take up Mr. Venkatapati Raju's Bill first. I think Mr. Venkatapati Raju is wholly mistaken in the view that there are members who would oppose the type of university recommended by his Bill. I strongly oppose the motion."

* Mr. C. RAMASOMAYAJULU :—" Mr. President, Sir, the hon. Member Mr. Venkatapati Raju's Bill not only mentions that the university should be of a unitary and teaching type but also it says that the headquarters should be at a particular place. If that is accepted by the Council, then the Bills relating to all the other places for the location of the headquarters are relegated to an inconvenient corner. It would work as a hardship to the interests indicated in the other Bills. I oppose the motion now under discussion, unless the hon. Member divides his Bill into two portions."

* The hon. the PRESIDENT :—" The hon. Member Mr. Venkatapati Raju may now give his personal explanation."

* Mr. P. C. VENKATAPATI RAJU :—" May I have a right of reply ? "

The hon. the PRESIDENT :—" An adjournment motion is not a substantive motion and the hon. Member has no right of reply."

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* Mr. P. C. Venkatapati Raju :—" Sir, some of my friends have misunderstood my purpose in moving that my Bill be taken up first. I should like to point out to them that . . ."

The hon. the President :—" I do not think that constitutes a personal explanation. I shall put the motion to the vote of the House. The question is that items Nos. 1 to 7 in the agenda be postponed until item No. 8 is disposed of."

The question was put and declared lost.

A poll was demanded and the House divided thus :— 12-15 p.m.

Ayes.

1. The hon. Sir Norman Marjoribanks.
2. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3. ,, Mr. T. E. Moir.
4. ,, Diwan Bahadur M. Krishnan Nayar.
5. ,, Mr. S. Muthiah Mudaliyar.
6. ,, Dr. P. Subbarayan.
7. Dr. (Mrs.) S. Muthulakshmi Reddi.
8. Diwan Bahadur P. Kesava Pillai.
9. Rao Bahadur C. V. Anantakrishna Ayyar.
10. Mr. C. B. Cotterell.
11. ,, H. A. Watson.
12. ,, C. A. Souter.
13. ,, S. H. Slater.
14. ,, A. McG. C. Tampoe.
15. ,, C. W. E. Cotton.
16. ,, V. Ch. John.
17. ,, M. A. Manikkavelu Nayakar.
18. ,, Syed Tajudin Sahib.
19. ,, Abdul Wahab Sahib.
20. ,, H. B. Ari Gowder.
21. ,, A. B. Shetty.
22. ,, J. Bheemayya.
23. ,, R. Foulkes.
24. ,, P. J. Gnanavaram Pillai.
25. ,, Mahmud Schamnad Sahib.
26. ,, J. Kuppuswami.
27. Subadar-Major Nanjappah Bahadur.
28. Mr. Al. Ar. Narayanan Chettiyar.
29. ,, V. I. Muniswami Pillai.
30. ,, W. P. A. Soundarapandia Nadar.
31. ,, S. Subrahmanya Moopanar.
32. ,, C. Ramalinga Reddi.
33. ,, W. E. Smith.
34. ,, S. N. Dorai Raja.
35. ,, U. Ramaswami Ayyar.
36. Rao Sahib R. Srinivasan.
37. Mr. Sami Venkatachalam Chetti.
38. ,, S Satyamurti.
39. ,, C. V. Venkataramana Ayyangar.
40. ,, T. Adinarayana Chettiyar.
41. ,, P. Anjaneyulu.
42. ,, P. C. Venkatapati Raju.
43. ,, J. A. Saldanha.
44. ,, Abdul Hamid Khan Sahib.
45. ,, C. S. Govindaraja Mudaliyar.
46. ,, G. Harisarvottama Rao.
47. ,, C. N. Muthuranga Mudaliyar.
48. ,, Muhammad Meera Ravuttar.
49. ,, D. Narayana Raju.
50. Dr. B. S. Mallayya.
51. Mr. K. Uppi Sahib.
52. ,, K. R. Karant.
53. ,, C. Obi Reddi.
54. ,, A. Parasurama Rao.
55. ,, A. Kaleswara Rao.
56. ,, R. Srinivasa Ayyangar.
57. ,, K. Koti Reddi.
58. ,, C. Gopala Menon.

Noes.

1. Mr. N. Siva Raj.
2. ,, M. V. Gangadara Siva.
3. ,, S. Venkiah.
4. Rao Sahib M. Hampayya.
5. The Zamindar of Kallikota.
6. Mr. G. R. Premayya.
7. ,, V. Ramjee Rao.
8. ,, K. V. R. Swami.
9. ,, C. Ramasomayajulu.
10. Sriman Biswanath Das Mahasayo.
11. Mr. B. Venkataratnam.
12. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
13. The Zamindar of Gollapalli.
14. Mr. P. Siva Rao.
15. ,, K. P. Raman Menon.
16. ,, B. Ramachandra Reddi.
17. Rao Bahadur C. S. Ratnasabapathi Mudaliyar.
18. Mr. P. T. Rajan.
19. Khan Bahadur S. K. Abdul Razack Sahib.
20. Mr. Muhammad Khadir Mohidin Sahib.
21. Rao Bahadur B. Muniswami Nayudu.
22. Mr. K. Saraba Reddi.
23. The Zamindar of Mirzapuram.
24. Mr. A. V. Banoji Rao.

Ayes 58. Noes 24.

The motion was carried.

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* Mr. P. C. VENKATAPATI RAJU :—" Mr. President, Sir, I now present the report of the Select Committee on the Bill to amend the Andhra University Act, 1925 (Bill No. 14 of 1927) and move that the Bill be taken into consideration."

* Mr. P. ANJANEYULU :—" I beg to second the motion."

* The hon. the PRESIDENT :—" The question is that the Bill be taken into consideration."

The motion was put and carried.

* The hon. the PRESIDENT :—" I shall put clause by clause to the vote of the House. The question is that clause 1 do stand part of the Bill."

The clause was put, passed and added to the Bill.

Clause 2.

* The hon. the PRESIDENT :—" I think the House will be in favour of discussing Mr. Venkatapati Raju's amendment. I select that amendment."

* Mr. P. C. VENKATAPATI RAJU :—" Mr. President, Sir, I now move the amendment that stands against my name that *for* the words ' in the town of Anantapur ' *substitute* the words ' in the headquarters of the Andhra University.' First of all, my Bill as it was introduced in the Council and referred to the Select Committee appointed for the consideration of that Bill, is in the same words and it has been accepted by the Select Committee. But at the same time on account of the acceptance of another Bill, that of Mr. Obi Reddi or for some other reason, these two Bills have been mixed up. The Bill as was presented by me and as was accepted by the Select Committee is exactly in the same words. By the House accepting this amendment there will be possibility of every one of the other Bills being considered by the House and disposed of as they deem fit. Under the circumstances I request the House to accept my amendment which is more or less a consequential amendment, in the words of the original Bill."

Mr. T. ADINARAYANA CHETTIYAR :—" I beg to second the amendment."

* The hon. the PRESIDENT :—" The question is '*for* the words " in the town of Anantapur " *substitute* the words "in the headquarters of the Andhra University."' (Voices :—headquarters of the University.) The amendment which is in my hands is as given above. Hon. Members have already received notice of the amendment ; there was time enough to send their amendments. Since they have not done so, I cannot accept any change now, as it will lead to confusion. By his amendment Mr. Ramjee Rao wants to contest the question of having a unitary type of university. If this motion is carried, he will not have the chance of moving his amendment. The question whether there should be a unitary type of university or the existing type of university cannot be disposed of by his amendment. I therefore propose to give an opportunity to Mr. Ramjee Rao to move his amendment after this motion is disposed of."

* Mr. C. RAMALINGA REDDI :—" Mr. President, Sir, I am very thankful that this motion has been allowed, because a logical question and a local question are involved and are under discussion. We shall dispose of, by the decision of the vote of this House, the logical question first and leave the location of the university thereafter entirely in the hands of the various

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sections of the House. The Select Committee considered this question very carefully and came to the conclusion that the concentration of Honours and Post-graduate courses at the University headquarters was the best course in which the Andhra University can be organized. Since the question has been pending from a very long long time and as I am sure that my hon. Friends would have forgotten the finding of the Select Committee, I propose to read one passage from the Select Committee's report. 'The Committee are in favour of the concentration of all Honours and Post-graduate courses at one centre only, since they consider that this concentration is essential both for the attainment of high standards of post-graduate and research work and for the most economical development of all classes of Honours courses, excepting courses in Technology. They have therefore decided by a majority that this Bill should be accepted.' The Select Committee recommended the rejection of most of the other Bills excepting this Bill."

* The hon. the PRESIDENT :—" I think the hon. Member will have to confine his remarks only to the amendment before the House, viz., the substitution of the words 'in the headquarters of the Andhra University' for the words 'in the town of Anantapur.' The question whether it is to be a unitary type of university or an affiliated type of university is not under consideration now under the amendment before the House. When Mr. Ramjee Rao moves his amendment, the hon. Member's remarks will be quite in order then."

* Mr. C. RAMALINGA REDDI :—" I bow to your ruling, Sir. But I thought that this amendment involved the consideration of the question whether there should be three centres or one centre. I was not discussing at all the merits of the affiliated type of university or those of a unitary type of university. I was speaking only on the merits of the concentration of all the higher courses of study at one place, viz., the headquarters of the university and not at three centres. . . "

* The hon. the PRESIDENT :—" Even those remarks will not be in order now."

* Mr. C. RAMALINGA REDDI :—" For the reasons advanced by the Select Committee I am in favour of the concentration of the higher courses of study at the headquarters of the university. Perhaps I may deal with this question at a later stage. I do not want the logical question of the nature of the university to be complicated and mixed up with the question as to where it should be located. If this amendment of my hon. Friend, Mr. Venkatapati Raju, is carried, it will in no way affect the discussion which will take place, I hope, as to where the headquarters should be located. The fundamental question, viz., the nature of the university may be decided now without in any way prejudicing the question of the location of the university which may be decided by a subsequent vote of the House."

Mr. P. ANJANEYULU :—" Mr. President, Sir, I support the amendment for the following reasons. Instead of the words 'in the town of Anantapur' it is very essential that the words 'in the headquarters of the Andhra University' should be substituted. If the words 'in the town of Anantapur' are retained, it will mean that the fight of other places for the headquarters of the university will cease. If the vote goes against Anantapur, Anantapur also will share the same fate.

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12-30 p.m. "Sir, the question involved in the Bill which my hon. Friend Mr. Venkatapati Raju brought forward is whether the Andhra University should be of the residential and teaching type or only a replica of the Madras University. Therefore, that is not going to decide the location of the headquarters of the university. I accordingly think that it is very essential that the words 'in the headquarters of the university' should be substituted for the words 'in the town of Anantapur'."

* Mr. S. Arpudaswami Udayar :—"Sir, I support the motion. The principle of concentration of honours and post-graduate courses in the headquarters is certainly gaining ground and has become an established fact, I should say; for we are going to have another university where at the headquarters there will be concentration of honours and post-graduate courses. It is true that the new University at Chidambaram is of a unitary type. If this question of having all honours and post-graduate courses at the headquarters is now tackled and voted upon, then I take it that the ground will be clear for considering the question of the headquarters. I therefore think, Sir, that the House will be unanimous in discussing and accepting this motion."

* Rao Bahadur B. Muniswami Nayudu :—"Sir, there are two clauses in the Andhra University Act which have a bearing on this question. Clause 3 says 'The headquaters of the university shall be located at Bezwada.' Clause 6 says that 'the university shall not establish a university college or a first-grade college unless the buildings of the institution are situate in the towns of Vizagapatam, Rajahmundry or Anantapur.' By this Bill the hon. Mr. Venkatapati Raju wants to substitute the words 'in the headquarters of the university' for the words 'in the towns of Vizagapatam, Rajahmundry or Anantapur.' The Bill contains no further provision for amendment. The effect will be that no college could be started except at the headquarters of the university. But if you refer to clause 3 you find 'the headquarters of the university shall be located at Bezwada.' So, if the Bill is not further amended, it will be inconsistent, for there is no university college at Bezwada now. I believe my friend's idea is that by another amendment Bill later on, he will have the headquarters changed. I think it is open to Mr. Obi Reddi who is in charge of the other Bill either to move it or not. If there is possibly a deliberate effort to undo what the Select Committee by a majority decided upon, i.e., to give Anantapur the headquarters, we on our part, are not going to be a party to the moving of a Bill which is practically undoing the decision of the Select Committee. If a further amendment to clause 3 is not therefore to be moved, it will only mean that the question of the headquarters will have to be raised again; and if the mover really wants to change the headquarters from Bezwada to Rajahmundry, then I submit we cannot agree. I hope the House will know what it is voting for. It is voting for an amendment which is not by itself complete, unless another amendment is also made; and if that further amendment is not going to be made, I say there is no meaning in taking up this Bill. I therefore oppose the motion of my hon. Friend Mr. P. C. Venkatapati Raju."

* The hon. the President :—"Before we discuss this, Mr. Satyamurti wants to move the omission of the word 'Andhra' in the amendment."

* Mr. S. Satyamurti :—"I beg to move, Sir, that the word 'Andhra' in the amendment be omitted."

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* The hon. the PRESIDENT :—" The question is to *omit* the word ' Andhra ' in the amendment of Mr. P. C. Venkatapati Raju. Mr. Venkatapati Raju's amendment is to put in the words ' in the headquarters of the Andhra University.' If Mr. Satyamurti's motion is carried, it will then read ' in the headquarters of the university '."

The amendment was put to the House and carried.

* The hon. the PRESIDENT :—" The amended amendment is now for the consideration of the House."

* Mr. P. SIVA RAO :—" Mr. President, Sir, I take it that the hon. the Mover Mr. P. C. Venkatapati Raju wants that the question as to whether there should be concentration or not should be discussed at the outset. He wants that wherever the headquarters may be, whether at Rajahmundry, Vizagapatam, Anantapur or Bezwada, no university or first-grade college should be started anywhere else than at the headquarters. Subject to the question of the headquarters being decided later on by a future vote of the House, he wants this preliminary question as to whether we should have a unitary residential and teaching university for the whole of Andhradesa or whether we should preserve intact the original characteristics of the present Act, i.e., that there should be simultaneous development of three centres, viz., Rajahmundry, Vizagapatam and Anantapur, should be decided. I think we should not think of a unitary type of university until there has been simultaneous development of these three centres and until they have come up to a certain level and become fit enough to be university centres themselves."

* The hon. the PRESIDENT :—" Order, order. I am afraid the hon. Member for Bellary is going into the merits of clause 2. In order to go into the merits of clause 2, there are two occasions, one when Mr. Ramjee Rao's motion is moved, or if this amendment is carried, when clause 2 as amended is put to for discussion of the House. But now the only question for the consideration of the House is whether the wording shall be ' in the town of Anantapur ' or ' in the headquarters of the university '."

* Mr. P. SIVA RAO :—" If the question is narrowed down like that, Sir, I shall prefer to wait."

* Mr. S. SATYAMURTI :—" Sir, I am anxious to clear a misapprehension which my hon. Friend from Chittoor seems to be labouring under, i.e., that there is some kind of conspiracy to disturb the findings of the Select Committee with regard to certain Bills. There is no conspiracy, and if there were, Sir, it would not survive in this House ; because all these Bills have been reported on by the Select Committee, and I do not think unless the House goes to sleep, that any of these Bills will escape being considered, and whatever conclusions are reached as a result of the consideration of all these Bills will be the expression of the opinion of this House after full consideration of all the Bills which are now before the House. I consider, Mr. President, that the merits of this amending Bill, as my hon. Friend the Vice-Chancellor of the Andhra University neatly put it, is in enabling us to vote on the question whether this single centre—I won't use the phrases which give rise to misapprehensions—of this university should be at the headquarters of the university, leaving it to the House to decide later on where that headquarters shall be. It will therefore, Sir, be a straight vote on a simple question uncoloured by any local prejudice or passion. I think, Sir, that is the supreme merit of this amendment, and I earnestly commend it to the House."

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* Mr. A. Kaleswara Rao :—" Mr. President, Sir, at this stage I propose an adjournment of the consideration of the Bill to a period beyond three months from this day. I shall give my reasons, Sir, in support of my adjournment motion. We have just come to the idea of having a unitary and residential university; that is how I understand it. When we start a residential university, financial help will be necessary to be got from any quarter. As a matter of fact, recently the District Board of Guntur has passed a resolution offering Rs. 5 lakhs if it be at a particular place, i.e., at Bezwada. Also the Municipal Council of Bezwada and the Municipal Council of Guntur and also the Kistna District Board have promised some lakhs of rupees each. All those promises will take time to materialize, that is, the resolutions will have to be sent up to the Government and approved and the money should be collected. If really something like Rs. 15 or 16 lakhs come in for a residential university, this Council would be certainly loath to lose such a substantial amount. Therefore, at this stage, if we postpone these Bills for three months, all these promises will materialize, and we shall be then in a position to take that fact also into consideration. We now see that the Government have come forward with a substantial contribution towards the Annamalai University when a gentleman of the status of Sir Annamalai Chettiyar has come forward with a donation of Rs. 20 lakhs. In Andhradesa also a central area may come forward with a substantial contribution. I therefore think that it is better that we wait for a few months more and then decide this question once for all. After all, Sir, the resolutions were passed by responsible bodies and responsible men like the Rajas of Uyyur, Mirzapur and Gollapalli and the Presidents of Taluk Boards, District Boards and Municipalities have signed a manifesto on this account which might have reached some of the Members of this hon. House. When such promises are forthcoming, without taking them into consideration, it would not be wise or prudent to rush on with this business. Therefore, as a business proposition, I would put before the House this motion that these Bills be adjourned for a period of three months."

* Mr. R. Srinivasa Ayyangar :—" Mr. President, Sir, I want to second this motion. Sir, I am absolutely certain, having heard the speech of my hon. Friend, the mover of the amendment, that nothing will be lost by postponing these Bills for three months. Certainly the Heavens will not fall and there is every possibility of our attracting the generosity of rich men in the meantime. For this reason, I heartily second this motion."

* The hon. the President :—" The question is that the consideration of the Bill be postponed for three months."

* Mr. J. A. Saldanha :—" Mr. President, Sir, I am not going into the merits of the case. The point before us is whether this university should have only one centre. That is the question to be decided now by the amendment of my hon. Friend on the right. This adjournment motion will not affect the present amendment brought by my hon. Friend; if an adjournment motion is brought after the present amendment is passed, then it will be in order. I do not see any reason why this adjournment motion should be brought at this stage. Whether Bezwada or Anantapur should be the headquarters of the university is a question to be decided later on; but if we decide that there is to be one centre, then there will be enough time for us to decide which should be the headquarters. But before deciding the question

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of that single centre, this question of getting money—especially when there are so many centres prepared to give lakhs and even a crore should be decided first. If any centres in the Andhradesa want to have the university, they must of course pay large amounts for it, and that centre which pays most will certainly have the headquarters."

* Mr. S SATYAMURTI :—" Mr. President, Sir, I have considerable sympathy with the point of view expressed by my hon Friend from Bezwada, but at the same time, may I request him and those who think with him to consider and wait adjourning the discussion of those Bills, till the House has voted on the Bill just now before the House? Because, Sir, even if the present Bill be passed without any further amendment, merely leaving it as a university having its colleges in one place, the question of the headquarters will depend on those considerations to which my hon. Friend has given expression, as to whether a particular place will be prepared to come forward with those magnificent endowments which will make it possible for the Government and this House to found a high class residential, teaching and unitary university in that place.

" But, Sir, for the sake of finding out a place, I would venture to suggest, in all humility to my Andhra friends that they ought not to postpone making up their minds, so far as this fundamental matter is concerned. A considerable impetus will be given to those who are enthusiastic about the new Andhra University and I am sure those great and philanthropic Zamindars to whose names my hon. Friend from Bezwada has made a reference, will feel more enthusiastic when they know that they are going to get, in return for their generosity and endowment to the university, a first-class teaching and unitary university. My hon. Friend from Bezwada used the word 'rushing.' That is exactly the word one would not like to use in the case of the Andhra University Bills. As you know, we are already going on at a snail's pace, and to talk of rushing in connexion with the Andhra University Bills, is exactly using the word which should not be used here. I would like to put it to my Andhra friends, if they would not misunderstand me, that it is not right that they ought to be quarrelling about this university and make no progress whatever. You have in your Vice-Chancellor, a man of great educational ideals, and you have had an Act for nearly three or four yours; what have you done? You have simply to make up your minds as to whether each man should have a university in his own backyard or whether there should be a university in every district. Again, I would repeat, I mean no offence, that the Andhras must make up their minds to come by their own. The Tamil country—I am a Tamilian—is forging ahead. The Madras University you have given up; go forward and may God bless you. The Chidambaram University is going to be a fact in a day or two. What are the Andhras going to do; postpone every action for three months? What is going to happen after three months? I say nothing will happen till we all meet again in this Council for discussing the Bills. Then again some one will start postponing again for three more months. We have to settle something now and say that we shall decide once and for all and that we shall have a university of a particular type. It would give a great impetus for those who wish to give 20 lakhs or 30 lakhs to start a university. I say to my Andhra friends and to those with high university ideals not to trifle with this matter any longer, but to decide one way or the other, for the good name of the Andhra University itself."

12-45 p.m.

* Mr. G. HARISARVOTTAMA RAO :—" Mr. President, Sir, without meaning any offence, as my hon. Friend for the University did not mean any offence to us, to those who have advised us in all these matters, I might immediately say, that even the Member for the University has not given us a solution. He has merely hinted that this Bill might be considered and the rest might be postponed, so that encouragement might be given to people to compete between themselves on very many grounds, more especially of money and yet delay the formation and proper functioning of the university. The Andhra University Bills are said to have been held up on account of the indecision of the Andhras. I have no hesitation in saying that the Andhras have certainly a great deal to do with the delay and I am not particularly proud of our own performance, but still, Sir, I feel that we are not entirely to blame. There was the Senate of the Andhra University that came to a particular conclusion. This House considered the question and appointed a Select Committee. The Select Committee came again to a similar conclusion and time after time the Senate's resolution, as well as the Select Committee's resolution have both been relegated to a corner for an indefinite period on account of the vacillation of all sides that are responsible for the functioning of the Andhra University. I therefore feel that no purpose will be served by delaying matters very much further, but if my hon. Friend Mr. Satyamurti would tell us that this is the only Bill that may be considered and the rest might be left over, I should certainly be sorry for an attitude like that. I expected that as a man of business, who means business, he would rise equal to the occasion and say, money or no money, the Government has a responsibility in regard to this university and they have to perform that responsibility and therefore they must go forward without looking to this side or that side and that the decision of the House may be taken immediately. Without saying that, he has told us that certain encouragement should be held out to certain centres. If that is the attitude it would be difficult for men like myself to decide. I am anxious that the question should be settled. We have been accused, all of us from Rajahmundry, Anantapur and Bezwada, we have all been accused of parochialism. So far as Anantapur is concerned, it is not true to the same extent as others. The conclusions arrived at by two authoritative bodies, this Council has not chosen to give sanction to. It is only our misfortune and nothing more. Therefore, I feel that the question should not be left over, but it must be decided immediately. I am not for the adjournment motion proposed by my hon. Friend from Bezwada."

* The ZAMINDAR OF MIRZAPURAM :—" Mr. President, Sir, I rise to support the adjournment motion of my Friend, Mr. Kaleswara Rao. The object of our asking for an adjournment motion is that the District Boards of Kistna and Guntur and the Municipal Councils of Bezwada and Guntur are coming up with proposals to contribute 15 lakhs towards the Andhra University provided that the headquarters and the centre are located at Bezwada. Hitherto the question of voluntary contribution did not come up, but it looked as though Government was going to spend money. If time is allowed we will be able to gather all the money and hand it over to the Government and ask them to give us the centre. If the other centres come forward with similar proposals then it may be considered so that the Andhra University may have sufficient funds at its disposal. Until then the discussion of this question may be adjourned; it is only a matter of three months. I am sure the House would support the motion for adjournment."

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Mr. A. RANGANATHA MUDALIYAR :—"I move, Sir, that the question be now put."

* The hon. the PRESIDENT :—"The question is that the question be now put."

The closure motion was put to the House and carried.

* The hon. the PRESIDENT :—"I now put the adjournment motion to the vote of the House. The question is that the consideration of this item be postponed to this day three months. All the items cannot be put because this is the only item that is now under the consideration of the House."

The motion was put to the House and declared lost.

Mr. A. Kaleswara Rao demanded a poll and the House divided thus :—

Ayes.

1. The hon. Sir Norman Marjoribanks.
2. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3. ,, Mr. T. E. Moir.
4. ,, Diwan Bahadur M. Krishnan Nayar.
5. ,, Mr. S. Muthiah Mudaliyar.
6. ,, Dr. P. Subbarayan.
7. Rao Bahadur C. V. Anantakrishna Ayyar.
8. Mr. C. B. Cotterell, C.I.E., I.C.S.
9. ,, C. A. Souter.
10. ,, S. H. Slater.
11. ,, A. McG. C. Tampoe.
12. ,, C. W. E. Cotton.
13. ,, V. Ch. John.
14. ,, M. A. Manikkavelu Nayakar.
15. Syed Tajudin Sahib Bahadur.
16. Mr. Balakrishna Shetti.
17. ,, J. Bheemayya.
18. ,, R. Foulkes.
19. ,, P. J. Gnanavaram Pillai.
20. ,, Muppil Nayar.
21. ,, J. Kuppuswami.
22. Subadar-Major S. A. Nanjappa Bahadur.
23. Rao Bahadur O. M. Narayana Numbudripad.
24. Mr. T. M. Narayanaswami Pillai.
25. ,, K. Krishnan.
26. ,, N. Siva Raj.
27. ,, W. P. A. Soundara Pandya Nadar.
28. ,, S. Subrahmanya Moopanar.
29. Daniel Thomas.
30. Mr. S. Venkayya.
31. The Zamindar of Singampatti.
32. Mr. W. E. Smith.
33. ,, S. N. Dorai Raja.
34. The Zamindar of Kallikota.
35. Mr. U. Ramaswami Ayyar.
36. Rao Sahib R. Srinivasan.
37. Mr. G. R. Premayya.
38. ,, V. Ramjee Rao.
39. Dr. B. S. Mallayya.
40. Mr. P. Bhaktavatsulu Nayudu.
41. Sriman Biswanath Das Mahasayo.
42. Mr. A. Kaleswara Rao.
43. ,, R. Srinivasa Ayyangar.
44. ,, T. C. Srinivasa Ayyangar.
45. ,, P. Siva Rao.
46. ,, Chavadi K. Subrahmanya Pillai.
47. ,, B. Ramachandra Reddi.
48. Rao Bahadur C. S. Ratnasabhapati Mudaliyar.
49. Raja of Panagal.
50. Mr. P. T. Rajan.
51. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
52. Muhammad Khadir Mohidin Sahib Bahadur.
53. Diwan Bahadur S. Kumaraswami Reddiyar.
54. Rao Bahadur B. Muniswami Nayudu.
55. Mr. K. Sarabha Reddi.
56. Zamindar of Mirzapuram.
57. Kumara Raja of Venkatagiri.
58. Mr. A. V. Bhanoji Rao.

Noes.

1. Diwan Bahadur P. Kesava Pillai.
2. Mr. M. V. Gangadhara Siva.
3. Rao Sahib M. Hampayya.
4. Mr. C. R. Reddi.
5. ,, S. Arpudaswami Udayar.
6. ,, S. Satyamurti.
7. ,, C. V. Venkataramana Ayyangar.
8. ,, T. Adinarayana Chettiyar.
9. ,, P. Anjaneyulu.
10. ,, P. C. Venkatapati Raju.
11. Mr. J. A. Saldanha.
12. ,, Abdul Hamid Khan.
13. ,, G. Harisarvottama Rao.
14. ,, C. N. Muthuranga Mudaliyar.
15. ,, K. V. R. Swami.
16. ,, D. Narayana Raju.
17. ,, K. Uppi Sahib.
18. ,, K. R. Karant.
19. ,, C. Ramasomayajulu.
20. ,, K. Koti Reddi.

Noes—cont.

21. Mr. V. Kameswara Rao Nayudu.
22. ,, L. K. Tulasiram.
23. ,, C. Marudavanam Pillai.
24. ,, C. Venkatarangam Nayudu.
25. ,, B. Venkataratnam.
26. ,, A. Ranganatha Mudaliyar.
27. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
28. Mr. R. Nagan Gowda.
29. The Zamindar of Gollapalli.
30. Mr. C. R. Parthasarathi Ayyangar.

Ayes 58. Noes 30.

The motion was carried.

1 p.m. *The hon. the PRESIDENT :—" This adjournment motion disposes of item 8. Now, the House will resume consideration of item 1."

Mr. P. ANJANEYULU :—" Sir, I move that items 1 to 7 do stand adjourned to this day three months."

* Mr. S. SATYAMURTI :—" I second it."

* Mr. G. HARISARVOTTAMA RAO :—" Mr. President, Sir, it is criminal neglect on the part of this Council that these items should be postponed. This question has been hanging fire for over one year. Funds have been withheld from the university by the responsible Minister. He has set at naught schemes sent up by the University authorities for execution with the help of the Government. To-day with the help of a majority he carries an adjournment motion postponing this matter for three months. Within three months the Budget of this province will have been practically made up, and it would be a very good excuse for the hon. the Education Minister to tell us that the University question not having been settled, he is not in a position to allot funds. I therefore think that he cannot go on in this manner wasting the time of this House. We have wasted sufficiently the time of this House and I do not feel that we will be entitled to do that sort of business in this House if we have any responsibility to our constituencies and to the ratepayers of the province. I therefore oppose this motion for adjournment."

Diwan Bahadur P. KESAVA PILLAI :—" I *strongly* oppose this motion, Sir. (Laughter.) The Chief Minister has not been impartial and he has been trying to undermine us I understand that it is parliamentary to say ' undermine ', and that I am entitled to say so. I have come here to vote for Anantapur. I have given notice of a Bill to that effect and expect it to be carried and to have the university centre at Anantapur. I only wanted that the Select Committee's report should be adopted and we are going to do it. I may say again that our friend is trying to undermine us, and with the help of the majority he is crushing us."

* Mr. P. SIVA RAO:—" Mr. President, now that the vote of the House has been taken regarding item 8 on the agenda, I do not think that any useful purpose will be served by my hon. Friends opposing this motion. The same principle should apply to all the Andhra University Bills. Now, Sir, there are excellent reasons for the adjournment of these items Even last time there was a similar motion for adjournment on the ground that there had not been sufficient time to enable all the representative members of the Andhradesa to consider and agree among themselves. And I know, Sir, that an attempt was made by the hon. the Chief Minister to confer with people of the Andhradesa, but he could not do it for want of time. Now, we have not been able

to make up our minds on this fundamental question, whether there should be a unitary type of university for the Andhradesa or whether we should have a federal type of it. And then, the other important question is the location of headquarters which also caused a good deal of anxious consideration; and I do not agree with the reasons given by Mr. Kaleswara Rao for the adjournment. He wants to promote the interests of Bezwada. But for different reasons I heartily join with him in supporting this motion. The hon. Member for Anantapur for whom I have the greatest respect seems to be under a delusion that the way for Anantapur is smooth enough, but as one who has been in the midst of this party warfare and who has been going about eliciting opinions as to this locality or that being made the headquarters, I know the practical difficulties of Anantapur attaining its desired object. (A voice :—Don't prophesy). I shall make a forecast and I am at perfect liberty to do so. Whatever it may be I do not think that the interests of Anantapur--incidentally I may say that I am an Anantapurian myself—will suffer by the postponement of this question for three months. In the meantime let us sit together and consider what particular type of university would satisfy the present requirements."

Mr. Abdul Hamid Khan :—" Sir, it is highly deplorable that Andhra Members of this House should have thought it necessary to ask for an adjournment of this question even at this session. When this question was brought up before the Council at the last session, some of us did realize that this was a matter that was not going to be settled even at this session and our prophecy has come true. What I deplore most is the attitude of the Government (Hear, hear). It seems to me that the Government themselves have not made up their minds. (Mr. C. V. Venkataramana Ayyangar :—They have no minds to make up). They either should go with the majority of the Andhra Members of this House or they should have a policy of their own. It was a sight to see the expert Member who is here for this very question in this Council, the Vice-Chancellor of the Andhra University voting against the Government. That shows that even with regard to this matter the Government is not acting with unanimity with the expert who is the Vice-Chancellor and who is expected to know more about the question than anybody else. When he is of that opinion, I was at a loss to find out why the Government did not think it necessary to vote the other way, that is, for deciding the question contained in this Bill now. Sir, they ask for three months time, and I am not sure that some of us may be feeling that these three months may be protracted. I do not know why an important question such as this, as has been said by many a Member, has been dragging along for months and months It is very well known that the Andhra University is an important matter to be settled, and the university has been starved. Now, I do not know for what reasons, the Government is siding with such of those as are asking for postponement of the question. Besides, if this matter, as has been proposed, is adjourned, we will have to consider about the financial condition. If we consider the financial position of the Government we will realize that they will not have the money to come forward with, for one year more to help the Andhra University, because by that time the budget would have been settled and the Government will not have made any provision for helping the Andhra University. We foresaw this and now, the Government either with

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a view not to help the Andhra University, or with a view not to help the Andhra people to realize their hopes of getting their University at least for a year or two to come, are supporting the adjournment of this question."

* Mr. P. C. VENKATAPATHI RAJU :—" Mr. President, Sir, I am sorry that the gentlemen who are responsible for the adjournment motion are not considering the disastrous results. . ."

* The hon. the PRESIDENT :—" The hon. Member will be in order if he refers to this adjournment motion, not the previous one"

* Mr. P. C. VENKATAPATHI RAJU :— " I am just reminding the House of its previous action. The gentlemen that are now urging this postponement, not only the mover but also the supporters and especially the Andhra gentlemen do not seem to understand the disastrous effects it will have upon the working of the Andhra University Act. The Andhra University Act came into force three years back. Ever since that time, in spite of the strenuous efforts of the gentleman that is at the helm of the University, we are not able to progress. For some time want of facilities to the Government to consider the questions connected with the University in their departments, and for some time, existence of difference of opinion among the Andhras, have been alleged as the reasons for the Government not being able to make the Andhra University which they have created effectively work. The Andhra University has been created by the Government, if not by this Government, by the then Government with some ideas about the University. They might have had some idea as to what type it should be and proceeded with the work, but the University lies more or less in a dormant condition; the Government have only appointed the staff but they are not allowing it to function properly. Some of the Andhra gentlemen themselves have given the Government some handle to somehow or other evade doing their duty towards the University. Now the postponement of the consideration of these Bills for three months will be really disastrous. By the time these three months elapse proposals for the next budget for 1929–30 will be before the Government and will be considered. No new proposal or provision can be made then. Now, this is the first year, as we know, of the Government having the full remission of the provincial contribution to the India Government. When once the money is in their hands the Government will somehow or other see a way of utilizing it for purposes which they think best, and after such utilization, my Andhra brethren will find the Government without funds."

* The hon. the PRESIDENT :—" I wish to know from Mr. Harisarvottama Rao what he is reading." (Mr. Harisarvottama Rao was reading a newspaper).

* Mr. G. HARISARVOTTAMA RAO :—" I beg your pardon, Sir."

* Mr. P. C. VENKATAPATHI RAJU :—" Even if the gentlemen that are now for postponement want to come to a satisfactory conclusion with regard to the Andhra University Act, they will find that, in spite of its constitution being one of the best, the money, the real requisite, is wanting Of course by the postponement of the other Bill, in spite of my strong feeling that the University should be of a particular type . . .

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* The hon. the PRESIDENT :—" Order, order. The hon. Member will not be in order in commenting upon a vote of this House already passed."

* Mr. P. C. VENKATAPATHI RAJU :—" I am not commenting. In spite of my Bill being postponed, I am against the postponement of the other Bills, for the important reason that it will be also disastrous to postpone even these Bills. If we postpone them, even the Act as it stands without any improvement cannot be worked for some time to come. I am quite sure that this three months time asked for will create further complications. And I will not be surprised if the best solution is then found to be the repealing of the Act, and some member either from Andhra country or outside may come forward with a repealing Bill to do away with the Andhra University Act altogether."

The hon. Dr. P. SUBBARAYAN :—" Mr. President, Sir, I am sorry my hon. Friends thought that I had a deep motive in supporting the adjournment of this question. I can tell them that there is nothing farther from my mind than that I should go to kill the Andhra University. My only concern was that the University should be of a unitary type. I do not think we would have arrived at that conclusion on Mr. Venkatapathi Raju's Bill. No doubt the honours courses, etc , may be concentrated at the centre but still the University as it stands under the Act passed by Sir Patro will still have affiliating functions. That was tried at the London University and the Lord Haldane Committee which was specially appointed to enquire into the working of the system of extra territorial and territorial jurisdiction of the University of London declared emphatically that it would not be possible to run both the systems together and when my Friend, Mr. Kaleswara Rao, suggested that we may adjourn to three months and suggested there was a possibility of a large endowment coming from a part of the Andhradesa which will bring into existence a University like Chidambaram, I thought that it was a good opportunity and that the adjournment should be granted. A conclusion could not be arrived at by the Bill of Mr. Venkatapathi Raju and that was the reason which impelled the Government to vote for the adjournment and I can tell them that there was no sinister or base motive on the part of myself or my colleagues." 1-15 p.m.

* The hon. the PRESIDENT :—" I request the hon. Member to confine his remarks to the present motion. He cannot take this opportunity to explain why Government voted one way on a previous motion."

The hon. Dr. P. SUBBARAYAN :—" I was impelled to refer to this because you never objected when Mr. Harisarvottama Rao imputed motives to the Government."

* The hon. the PRESIDENT :—" The hon. the Chief Minister is not quite in order in finding fault with the Chair by saying that it has not ruled out the speech of Mr. Harisarvottama Rao."

The hon. Dr P. SUBBARAYAN :—" I apologize to the Chair for having made that reference. I bow to your ruling and won't consider that any further. That adjournment having been carried, Mr. President, I think it is a logical consequence that this adjournment should also be carried. Because having for once decided that there should be a unitary type, I do not think we will arrive at a conclusion and that is the reason why I supported the adjournment moved by Mr. Anjaneyulu."

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* Mr. A. KALESWARA RAO :—" I do not want to adduce any reason for the excellent reasons given by the Chief Minister. I was surprised to see that Mr. Venkatapathi Raju gave up his whole ground and wanted no real unitary type. I am really surprised to see that. Of course all his arguments might have been pertinent to the previous adjournment motion. Now that we have the most important Bill advocating the residential type of university postponed, it is but necessary that we should adjourn all the other Bills and reconsider them again after three months."

The motion was put and declared carried.

A poll was demanded and the House divided thus :

Ayes.

1. The hon. Sir Norman Marjoribanks.
2. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3. ,, Mr. T. E. Moir.
4. ,, Diwan Bahadur M. Krishnan Nayar.
5. ,, Mr. S. Muthiah Mudaliyar.
6. ,, Dr. P. Subbarayan.
7. Rao Bahadur C. V. Anantakrishna Ayyar.
8. Mr. C. B. Cotterell.
9. ,, H. A. Watson.
10. ,, C. A. Souter.
11. ,, S. H. Slater.
12. ,, A. McG. C. Tampoe.
13. ,, C. W. E. Cotton
14. ,, V. Ch. John.
15. ,, M. A. Manikkavelu Nayakar.
16. Syed Taj-ud-din Sahib Bahadur.
17. Abdul Wahab Sahib Bahadur.
18. Mr. C. D. Appavu Chettiyar.
19. ,, A. B. Shetty.
20. ,, J. Bheemayya.
21. ,, P. J. Gnanavaram Pillai.
22. ,, Muppil Nayar of Kavalappara.
23. ,, J. Kuppuswami.
24. Subadar-Major S. A. Nanjappa Bahadur.
25. Rao Bahadur O. M. Narayanan Nambudiripad.
26. Mr. T. M. Narayanaswami Pillai.
27. ,, K. Krishnan.
28. ,, N. Siva Raj
29. Rao Sahib L. C. Guruswami.
30. Mr. V. I. Muniswami Pillai
31. ,, W. P. A. Soundara Pandia Nadar.
32. ,, S. Subrahmanya Moopanar.
33. Mr. Daniel Thomas.
34. Mr. S. Venkayya.
35. ,, Syed Ibrahim Sahib Bahadur.
36. The Zamindar of Singampatti.
37. Mr. W. E. Smith.
38. The Zamindar of Kallikota.
39. Mr. S. Arpudaswami Udayar.
40. Rajkumar S. N. Dorai Raja.
41. Mr. K. Ramachandra Padayachi.
42. ,, U. Ramaswami Ayyar.
43. Rao Sahib R. Srinivasan.
44. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
45. Mr. G. R. Premayya.
46. ,, V. Ramjee Rao.
47. ,, S. Satyamurti.
48. ,, P. Anjaneyulu.
49. Dr. B. S. Mallayya.
50. Mr. A. Kaleswara Rao.
51. ,, R. Srinivasa Ayyangar.
52. ,, T. C. Srinivasa Ayyangar.
53. ,, P. Siva Rao.
54. ,, Chavadi K. Subrahmanya Pillai.
55. ,, B. Ramachandra Reddi.
56. The Raja of Panagal.
57. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
58. Muhammad Khadir Mohideen Sahib Bahadur.
59. Diwan Bahadur S. Kumaraswami Reddiyar.
60. Rao Bahadur B. Muniswami Nayudu.
61. Mr. K. Sarabha Reddi.
62. The Zamindar of Mirzapuram.
63. The Kumara Raja of Venkatagiri.
64. Mr. A. V. Bhanoji Rao.

Noes.

1. Diwan Bahadur P. Kesava Pillai.
2. Mr. M. V. Gangadhara Siva.
3. Rao Sahib M. Hampayya.
4. Mr. Abdul Hamid Khan.
5. ,, G. Harisarvottama Rao.
6. ,, C. N. Muthuranga Mudaliyar.
7. ,, K. V. R. Swami.
8. ,, D. Narayana Raju.
9. ,, K. Uppi Sahib Bahadur.
10. ,, K. R. Karant.
11. Mr. C. Ramasomayajulu.
12. Sriman Biswanath Das Mahasayo.
13. Mr. K. Koti Reddi.
14. ,, L. K. Tulasiram
15. ,, C. Marudavanam Pillai.
16. ,, C. Venkatarangam Nayudu.
17. ,, B. Venkataratnam.
18. ,, R. Nagan Gowda.
19. The Zamindar of Gollapalli.

Ayes 64. Noes 19.

The motion was carried.

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* Mr. C. V. VENKATARAMANA AYYANGAR :—" I move that items 9 to 11 and 17 be adjourned for three months from to-day."

Mr. S. SATYAMURTI :—" I second it."

The motion was put and carried.

IV

A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920.

Mr. BASHEER AHMED SAYEED :—" I move, Sir,

that the Bill [a] to amend the Local Boards Act, 1920, be taken into consideration."

Mr. P. BHAKTHAVATSULU NAYUDU :—" I second it."

Mr. S. SATYAMURTI :—" I beg to move that the Bill be referred to a Select Committee composed of the following gentlemen :—

(1) The hon. the Minister for Local Self-Government.
(2) The hon. the Advocate-General.
(3) Mr. S. Arpudaswami Udayar.
(4) Rao Bahadur B. Muniswami Nayudu.
(5) Mr. V. I. Muniswami Pillai.
(6) Khan Bahadur Muhammad Abdul Razack Sahib Bahadur.
(7) Mr. C. S. Govindaraja Mudaliyar.
(8) ,, Abdul Hamid Khan Sahib.
(9) ,, A. Kaleswara Rao.
(10) ,, C. N. Muthuranga Mudaliyar.
(11) ,, S. Satyamurti.
(12) ,, Sami Venkatachalam Chetti.
(13) Rao Bahadur C. S. Ratnasabhapathi Mudaliyar.
(14) Mr. K. R. Venkatarama Ayyar.
(15) ,, Basheer Ahmed Sayeed Sahib.

Dr. B. S. MALLAYYA :—" I second it."

The Council rose for lunch.

After Lunch (2-30 p.m.).

* The hon. the PRESIDENT :—" The Council will now resume the discussion of the motion of Mr S. Satyamurti to refer Mr. Basheer Ahmed Sayeed's Bill to amend the Madras Local Boards Act to a Select Committee."

* Mr. C. S. GOVINDARAJA MUDALIYAR :—" Mr. President, Sir, I beg to move that under Standing Order No. 40(2) permission be granted to refer the Bill to a Select Committee composed of more than 15 members."

Mr. P. ANJANEYULU :—" I second it."

The hon. Dr. P. SUBBARAYAN :—" Sir, I wanted to oppose even the motion for reference to a Select Committee. . ."

[a] Published in the *Fort St.George Gazette*, dated 2nd October 1928, as Bill No. 15 of 1928.

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* The hon. the PRESIDENT :—" Let us dispose of this question of referring the Bill to a Select Committee of more than 15 members. The question is that under Standing Order No. 40(2), permission be granted to refer the Bill to a Select Committee composed of more than 15 members."

The question was put and carried.

* The hon. the PRESIDENT :—" Let the additional names be proposed."

Mr C. S GOVINDARAJA MUDALIYAR :—" I beg to move that the following names be added to the list of persons already proposed for the Select Committee :—

(1) Mr. P. Bhakthavatsulu Nayudu,

(2) Mr. T. M. Narayanaswami Pillai,

(3) Mr. J. Kuppuswami,

and, Mr. President, may I add a few more names "

* The hon. the PRESIDENT :—" I have not got any such amendment in my hands."

Mr. C. S. GOVINDARAJA MUDALIYAR :—" Those are the three names I propose to add to the Select Committee."

Mr. G. HARISARVOTTAMA RAO :—" I second it."

The question was put and carried.

* The hon. the PRESIDENT :—" The amended motion of Mr. Satyamurti is for the discussion of the House."

The hon. Dr. P. SUBBARAYAN :—" Sir, I want to oppose the reference of this Bill to a Select Committee, and my reason for this is that the Government have under consideration the amendment of the Local Boards Act in a comprehensive manner and that Bill will be placed before the Local Boards Advisory Committee, as stated in answer to a question by my hon. Friend Mr. A. Kaleswara Rao. A meeting of that committee is to be held next Monday. Soon after that, conclusions will be arrived at by Government, and the Bill will be ready for introduction at the next meeting of the Legislative Council. In these circumstances, I would like hon. Members to consider whether there is any necessity to proceed with this Bill which only deals with this question in a piecemeal fashion. Besides that, there is also a Bill by my hon. Friend, Mr. G. Harisarvottama Rao, which is more comprehensive than this Bill itself.

" The main principle of Mr. Basheer Ahmed Sayeed's Bill is the abolition of nominations to local boards. As will be seen from the published Bill of the Government, this question has been dealt with in the Government Bill itself. The second point in this Bill is the reservation of seats on local boards for minority communities on the basis of a joint electorate. This is a thing which has been provided for in the Government measure. Provision for the appointment of supernumerary members to district boards to represent Europeans, Anglo-Indians and officials is another feature of this Bill, which is also provided for in the Government Bill. The only new point in the Bill now brought forward by Mr. Basheer Ahmed Sayeed is with regard to the presidentship going by rotation to a member of the Hindu, Muslim and Christian communities respectively. This is a point which will also be considered by the Local Boards Advisory Committee when they consider the

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Government Bill. I have myself told Mr. Basheer Ahmed Sayeed that it is a new point which has not been raised before but that it will be considered in dealing with the Government Bill. In these circumstances, I do not think there is any necessity for this Bill going to a Select Committee."

* Mr. K. R. Karant :—" Mr. President, Sir, I support this motion, and I cannot understand the reasons advanced by the hon. the Minister for Local Self-Government, viz., because his main reason seems to be that the Government have got a Bill, and therefore this Bill should not be gone through before that. So far as I know, the Bill published by the Government has raised a storm of protest in the country. The chief point in it is the abolition of taluk boards, and I think the Minister will not come forward with a Bill containing such a provision. I am quite sure that the Bill will not see the light of day before this House, and it is no use waiting for it because it will come up some day or other. I do not support this motion because I agree with the provisions of this Bill itself. As for example I cannot agree with the reservation of presidentships to particular communities by rotation. However, I do not see any reason why this Bill should not be considered and why we should wait till the Minister comes forward with a Bill in the future."

* Mr. L. K. Tulasiram :—" Sir, I agree with my hon. Friend, Mr. Karant, when he says that this Bill of Mr. Basheer Ahmad Sayeed should be taken into consideration now. The Chief Minister's reason for opposing this motion is that Government will be bringing forward their own Bill. It may be according to their own ideas, and they may choose their own time. When there is a Bill before us by a private Member of this hon. House, it should be given an opportunity to be discussed here. The reason of Government bringing forward their own Bill is not a sufficient reason for opposing a legislation of this kind. The Government may bring in their own Bill, and at that time it may be considered But when we have a Bill ready made, which has been circulated, I see no reason why Government should oppose this piece of legislation."

* The hon. the President :—" The question is that the Bill be referred to a Select Committee composed of the following members :—

(1) The hon. the Minister for Local Self-Government
(2) The hon. the Advocate-General.
(3) Mr. S. Arpudaswami Udayar.
(4) Rao Bahadur B. Muniswami Nayudu.
(5) Mr. V. I Muniswami Pillai.
(6) Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
(7) Mr. C. S. Govindaraja Mudaliyar.
(8) Mr. Abdul Hamid Khan Sahib.
(9) Mr. A. Kaleswara Rao.
(10) Mr. C. N. Muthuranga Mudaliyar.
(11) Mr. S. Satyamurti.
(12) Mr. Sami Venkatachalam Chetti.
(13) Rao Bahadur C. S. Ratnasabhapathi Mudaliyar.

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(14) Mr. K. R. Venkatarama Ayyar.
(15) Mr. Basheer Ahmad Sayeed Sahib.
(16) Mr. P. Bhaktavatsulu Nayudu.
(17) Mr. T. M. Narayanaswami Pillai.
(18) Mr. J. Kuppuswami Choudry.''

The question was put and declared lost.

A poll was demanded, and the House divided thus :

Ayes.

1. Mr. V. Ramjee Rao.
2. ,, Sami Venkatachalam Chetti.
3. ,, S. Satyamurti.
4. ,, C. V. Venkataramana Ayyangar.
5. ,, T. Adinarayana Chettiyar.
6. ,, P. Anjaneyulu.
7. ,, P. C. Venkatapati Raju.
8. ,, J. A. Saldanha.
9. ,, C. S. Govindaraja Mudaliyar.
10. ,, G. Harisarvottama Rao.
11. ,, C. N. Muthuranga Mudaliyar.
12. ,, K. V. R. Swami.
13. ,, K. P. V. S. Muhammad Meera Ravuttar Bahadur.
14. ,, D. Narayana Raju.
15. Dr. B. S. Mallayya.
16. Mr. K. R. Karant.
17. Mr. C. Obi Reddi.
18. ,, A. Parasurama Rao Pantulu.
19. ,, C. Ramasomayajulu.
20. ,, Basheer Ahmad Sayeed.
21. ,, P. Bhaktavatsulu Nayudu.
22. ,, A. Kaleswara Rao.
23. ,, R. Srinivasa Ayyangar.
24. ,, K. Koti Reddi.
25. ,, L. K. Tulasiram.
26. ,, C. Marudavanam Pillai.
27. ,, K. V. Krishnaswami Nayakar.
28. ,, B. Venkataratnam.
29. Khan Bahadur S. K. Abdul Razaok Sahib Bahadur.
30. Muhammad Kadir Mohideen Sahib Bahadur.

Noes.

1. The hon. Sir Norman Marjoribanks.
2. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3. ,, Mr. T. E. Moir.
4. ,, Diwan Bahadur M. Krishnan Nayar.
5. ,, Mr. S. Muthiah Mudaliyar.
6. ,, Dr. P. Subbarayan.
7. Dr. (Mrs.) Muthulakshmi Reddi.
8. Mr. C. B. Cotterell.
9. ,, H. A. Watson.
10. ,, C. A. Souter.
11. ,, A. McG. C. Tampoe.
12. ,, C. W. E. Cotton.
13. ,, V. Ch. John.
14. ,, M. A. Manikkavelu Nayakar.
15. ,, Syed Tajuddin Sahib.
16. ,, H. B Ari Gowdar.
17. ,, A. B. Shetty.
18. ,, J. Bheemayya.
19. ,, J. A. Davis.
20. ,, R. Foulkes.
21. ,, P. J. Gnanavaram Pillai.
22. ,, Mahumad Schamnad Sahib.
23. ,, Muppil Nayar of Kavalappara.
24. Subadar-Major S. A. Nanjappa Bahadur.
25. Mr. Al. Ar. Narayanan Chettiyar.
26. ,, T. M. Narayanaswami Pillai.
27. ,, K. Krishnan.
28. ,, N. Siva Raj.
29. ,, M. Gangadhara Siva.
30. Rao Sahib L. C. Guruswami.
31. Mr. V. I. Muniswami Pillai.
32. ,, W. P. A. Soundara Pandia Nadar.
33. Mr. S. Subrahmanya Moopanar.
34. ,, Daniel Thomas.
35. ,, S. Venkiah.
36. ,, D. K. Syed Ibrahim Sahib.
37. Rao Sahib M. Hamppayya.
38. Rajkumar S. N. Dorai Raja.
39. The Zamindar of Kallikota.
40. Mr. K Ramachandra Padayachi.
41. Rao Sahib R. Srinivasan.
42. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
43. Mr. G. R. Premayya.
44. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
45. Mr. Ramanath Goenka.
46. The Zamindar of Gollapalli.
47. Mr. C. R. Parthasarathi Ayyangar.
48. ,, T. C. Srinivasa Ayyangar.
49. ,, P. Siva Rao.
50. ,, Chavadi K. Subrahmanya Pillai.
51. ,, K. R. Venkatarama Ayyar.
52. ,, K. P. Raman Menon.
53. ,, C. Gopal Menon.
54. ,, B. Ramachandra Reddi.
55. Rao Bahadur Sir A. P. Patro.
56. Mr. P. T. Rajan
57. ,, T. K. Chidambaranatha Mudaliyar.
58. Diwan Bahadur S. Kumaraswami Reddiyar.
59. Mr. K. Sarabha Reddi.
60. Kumara Raja of Venkatagiri.
61. Mr. A. V. Bhanoji Rao.
62. ,, S. H. Slater.

Ayes 30. Noes 62.

The motion was lost.

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* The hon. the PRESIDENT:—" The motion of Mr. Basheer Ahmad to take the Bill into consideration is for the consideration of the House."

The hon. Dr P. SUBBARAYAN:—" Sir, for the reasons I adduced for not referring the Bill to the Select Committee I think we need not consider this Bill now and that it may be deferred till the Government Bill is published."

* Mr. BASHEER AHMAD SAYEED:—" Mr. President, when the Minister opposed my Bill I thought he had already given up his case. My Bill after all is a very modest one and it has incorporated within it the very provision which was in the Bill published by the Government and which Bill is now shelved, though the Minister says he has referred it to the Advisory Committee. The Advisory Committee has not yet met and so I should take it that the Bill has been shelved. I say that the provision contained in the Minister's Bill is itself incorporated in my Bill. What are the provisions in my Bill and what is their scope? One of the provisions says that nominations should go. The Minister and his party have off and on said that they are for the abolition of nominations. Then the other provision is that minorities should be ensured some reservation of seats, some representation. That principle also has been accepted on the floor of this House by the Minister and also by his predecessors in office, and it is that very principle which is now recommended in the Nehru Committee report which many of my colleagues, including even the ministerialists, have heartily supported. Mr. President, the third provision is that local boards of some districts should be reserved for members of the minority communities to elect presidents by rotation. This principle is not a novel one. In the Corporation of Bombay, this principle has been accepted and acted upon for a long time. The principle of reservation has been accepted and incorporated in the Act of 1923 regarding the Calcutta Corporation. I am surprised that having once admitted the reasonableness, the efficacy and the justice of the principles of this Bill the Minister and his party should have now opposed it. After all, they forget that this Bill comes from a member of the minority community which has been all along neglected by this Government, and also by the majority party—I make bold to say that—except of course the Congress party. I was surprised to see that the Justice party members also rose against this Bill. The Minister's only reason seems to be that since the Government is now considering to bring forward a Bill, no private or non-official member need take interest in legislation. If that is the reason, I do not see why there should be any provision at all in the Act and the Rules enabling non-official members to legislate. The Government might have been considering for years and years a certain Bill which never may see the light of day. Could that be the reason which has influenced some of my colleagues here to vote against my Bill? After all, Mr. President, unless and until these three or four principles in the Bill are going to be settled amongst us, there is not going to be harmony between the two great communities and also third community, viz., the Christian community, in this country. Muslims are entitled to a certain proportion in the administrative departments. I don't say that I stand for communal representation, in its very bald and very narrow sense. I do claim that Muslims shall have a certain share in the administrative machinery of this Government and also in all those things which concern them in the government of the country. Local boards are an integral part of the

2-45 p.m.

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machinery of the Government and there the minority community must have certain rights. These rights must also be reserved. I don't preach for separate representation nor for separate electorates. I say the general electorate may elect a few representatives to these union, taluk and district boards. So also in the election of presidents to these local boards. I have mentioned that to such of the boards as may be reserved by Government, and only to those boards, the principle of rotation might apply. It is but just that Muslims as such should be given the right to have some share in the administration and governance of local boards in order that they may come up to the level and cope with the other communities in the increasing political exigencies of this country. I do not see any valid reason for my colleagues to oppose this Bill. The Bill of the Minister may come in its own time. As I have already introduced this Bill, my desire is that it may be referred to a Select Committee. The Minister's Bill will not be delayed or detained on account of this Bill being referred to a Select Committee, or even passed. Mr. President, I am very sorry that some of my Muslim colleagues have also voted against the Bill, simply because Government said that they would bring forward a Bill—probably on Doomsday, and not before that, certainly not within the term of this Council. Some of the Muslims have always been duped by Government and their agents and I am sorry to note it even to-day. Except two of my colleagues on the left, the others opposite have opposed this Bill, not realizing that it is after all for the good of the minority communities that the Bill is sought to be introduced. Yet, when they go outside the Council they say ' We must act as a party and we must safeguard the Muslim interests.' Here is a clear case of Muslim interests involved and four of my Mussalman colleagues have voted against it. My Christian friends and the depressed classes whose interests are also sought to be safeguarded have voted against this Bill. I don't know what to say of them. They will very soon realize the folly of their action."

* Mr. R. Srinivasa Ayyangar :—" I rise to a point of order. I am not quite sure whether the motion made by the hon. the Chief Miniser that the consideration of this Bill be postponed till the Government Bill is published is in order."

* The hon. the President :—" The hon. the Minister only opposed the motion before the House. He did not make any motion himself."

* Mr. Basheer Ahmad Sayeed :—" I was referring to my colleagues, the Muslims, the Christians and the depressed classes who have voted against this Bill under the false idea that the Government would bring forward their Bill and that they would enjoy the fruits of paradise then. I only want that they should open their eyes and see things in their real state. Unless they unite and see that their interests are safeguarded, they will not in the long run stand to gain from a foreign and alien bureaucracy which is ruling here just for its own interests and not for the interests of the people. I appeal to my hon. Friends not to oppose this Bill, but to pass the motion before them."

* Mr. K. R. Karant :—" I find, Sir, that the Bill has been refused to be sent to a Select Committee, and the hon. the Minister also has opposed it. When he made his speech, he said he had no objection for the postponement of the discussion, though he has not put in any amendment. So, I beg to move that the consideration of this motion be adjourned for two months from

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this date. Meantime, the Government may show their sincerity by bringing forward their own Bill. This time I think will be quite sufficient."

Mr. P. Bhaktavatsulu Nayudu :—" I beg to second it."

* The hon. the President :—" The question is that the consideration of this motion be adjourned for two months from this date."

The hon. Dr. P. Subbarayan :—" Mr. President, if my friend will make it three months I would agree to this amendment, because two months would be too short a time to bring in the Government Bill."

* The hon. the President :—" The motion is already before the House. The hon. Minister will do well to move it as an amendment of his own."

The hon. Dr. P. Subbarayan :—" I have not given notice and with your permission. I move to amend the word 'two' into 'three' in the motion of Mr. Karant."

The amendment was put and carried.

* The hon. the President :—" The amended adjournment motion, viz., that the consideration of this motion be adjourned for three months from this date, is before the House."

* Mr. Mahmud Schamnad :—" I rise to oppose the adjournment motion of Mr. Karant, and support Mr. Basheer's motion while I strongly deprecate his insinuations against the Muslim members on this side of the House."

* The hon. the President :—" I do not think the hon. Member will be in order in taking this opportunity to reply to the accusations made by Mr. Basheer Ahmad Sayeed. Three months hence, when the motion comes for the consideration of the House, the hon. Member will certainly have the opportunity to attack Mr. Basheer Ahmad Sayeed." (Laughter.)

* Mr. Mahmud Schamnad :—" I oppose Mr. Karant's motion for this reason that if after three months the Bill is to be taken up, we may not have much time to go on with the Bill. That means putting it off indefinitely. I support Mr. Basheer Ahmad's Bill for this reason. As the rules exist, it is almost impossible for minority communities to become presidents of taluk boards or district boards. So if this opportunity is lost, we may not have another opportunity in the near future to have this amendment. There are other provisions which I do not very much press, such as doing away with nominations and so on. All the same we can discuss them and find out some *via media*. So I oppose Mr. Karant's motion."

* The hon. the President :—" The question is that the consideration of this motion be adjourned for three months from this date."

The motion was put and carried.

V

A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920.

Mr. G. Harisarvottama Rao :—" Mr. President, I beg leave to introduce a Bill to amend the Madras Local Boards Act, 1920." 3 p.m.

* The hon. the President (after a pause) :—" For want of a seconder the proposition is lost."

Mr. A. KALESWARA RAO :—"I second it."

* The hon. the PRESIDENT :—"I have already said, after waiting long enough for the motion to be seconded, that for want of a seconder the motion is lost."

VI

A BILL TO AMEND THE MADRAS VILLAGE PANCHAYAT ACT, 1920.

* The hon. the PRESIDENT :—"I understand that the Zamindar of Gollapalli has withdrawn his Bill to amend the Village Panchayat Act, 1920."

The ZAMINDAR OF GOLLAPALLI :—"I have not withdrawn. I have applied to the Government of India to grant me permission to move it."

* The hon. the PRESIDENT :—"As the hon. Member has conceded that it requires the previous sanction of the Governor-General and that he has applied for it, he has again to give notice with the sanction of the Governor-General."

VII

A BILL TO FURTHER AMEND THE MADRAS CITY MUNICIPAL ACT, 1919.

Mr. BASHEER AHMAD SAYEED :—"Sir, I move that leave may be granted to me to introduce a Bill to further amend the Madras City Municipal Act, 1919."

Mr. A. KALESWARA RAO :—"I second it."

* The hon. Dr. P. SUBBARAYAN :—"I would like to point out for your consideration and for the consideration of the hon. Member that some of the provisions of this Bill require the sanction of the Governor-General before he can proceed with it."

* The hon. the PRESIDENT :—"Will the hon. Minister kindly point out the provisions which require the Governor-General's sanction?"

The hon. Dr. P. SUBBARAYAN ;—"Clauses 43 and 58."

* The hon. the PRESIDENT :—"Does the hon. Mover concede that they require the sanction of the Governor-General?"

Mr BASHEER AHMAD SAYEED :—"I have already deleted those provisions."

* The hon. the PRESIDENT :—"That is another stage. I want to know whether he concedes that those sections require the previous sanction of the Governor-General?"

Mr. BASHEER AHMAD SAYEED :—"Mr. President, they were originally . . ."

* The hon. the PRESIDENT :—"I want to know whether the hon. Member concedes that they require the previous sanction of the Governor-General."

Mr. BASHEER AHMAD SAYEED :—"I have conceded it and I have since deleted those provisions and I beg leave that I may be granted leave to introduce the Bill without those provisions."

* The hon. the PRESIDENT :—"The Bill of which the hon. Member has given notice and of which a copy has been supplied to the Secretary contains provisions which require the previous sanction, even according to him, of His Excellency the Governor-General. The notice is invalid without the previous sanction and the motion is out of order."

VIII

A BILL FOR THE SUPPRESSION OF BROTHELS AND IMMORAL TRAFFIC.

* Mr. K. R. VENKATARAMA AYYAR :—" Sir, I move that leave be granted for referring the Bill [a] for the Suppression of Brothels and Immoral Traffic to a Select Committee composed of more than fifteen members under Standing Order No. 40 (2)."

Mr. C. GOPALA MENON :—" I second it."

The motion was put and carried and permission was granted.

* Mr. K. R. VENKATARAMA AYYAR :—" I now move that the Bill for the Suppression of Brothels and Immoral Traffic be referred to a Select Committee composed of the following members :—

(1) The hon. the Law Member.
(2) Dr. (Mrs.) S. Muthulakshmi Reddi.
(3) Swami A. S. Sahajanandam.
(4) Syed Tajudin Sahib Bahadur.
(5) Mr. Abdul Hamid Khan.
(6) Dr. B. S. Mallayya.
(7) Mr. C. S. Govindaraja Mudaliyar.
(8) ,, P. Anjaneyulu.
(9) ,, B. Ramachandra Reddi.
(10) Diwan Bahadur S. Kumaraswami Reddiyar.
(11) Diwan Bahadur R N. Arogyaswami Mudaliyar.
(12) Mr. K. P. Raman Menon.
(13) ,, C. Gopala Menon.
(14) ,, W. O. Wright.
(15) ,, K. R. Venkatarama Ayyar.
(16) The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
(17) The hon. the Advocate-General.
(18) Mr. C. B. Cunningham.
(19) ,, L. K. Tulasiram.
(20) Rao Bahadur Sir A. P. Patro.
(21) Rao Bahadur B. Muniswami Nayudu.
(22) Rao Sahib R. Srinivasan.
(23) Mr. Ramanath Goenka.
(24) The Zamindar of Gollapalli
(25) Mr. S. Satyamurti.
(26) ,, P. Siva Rao.
(27) ,, Chavadi K. Subrahmanya Pillai.
(28) ,, C. Ramasomayajulu.
(29) ,, V. Ramjee Rao.
(30) ,, K. V. R. Swami."

The hon. the PRESIDENT :—" I do not find these names in the list ? "

* Mr. K. R. VENKATARAMA AYYAR :—

"(31) Rao Sahib L. C. Guruswami.
(32) The hon. the Minister for Public Health and Excise.
(33) Mr. W. P. A. Soundarapandiya Nadar.
(34) ,, Khadir Mohideen Sahib."

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[a] Published in the *Fort St. George Gazette*, dated 2nd October 1928 as Bill No. XVI of 1928.

* The hon. the PRESIDENT :—" The hon. Member will kindly resume his seat. He has given a list of 24 names in the first instance and those names are printed in the agenda. He has given notice of another four names by means of an amendment and those names again are in the agenda. I now find yet another list of 6 names added to it. I am afraid that in the motion he is actually making now he is travelling beyond all these lists."

* Mr. K. R. VENKATARAMA AYYAR :—" I shall confine myself . . ."

* The hon. the PRESIDENT :—" The hon. Member will resume his seat. The motion he is making is out of order." (Laughter.)

* Mr. K. R. VENKATARAMA AYYAR :—" I beg your pardon, Sir . . ."

* The hon. the PRESIDENT :—" I said that the motion to refer the Bill to a Select Committee which he made was out of order."

IX

A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919.

Dr. B. S. MALLAYYA :—" I beg to introduce a Bill [a] to amend the Madras City Municipal Act, 1919, and move that the Bill be taken into consideration.

" Sir, in making this motion I beg to bring to the notice of this House that timber tax was first introduced in the city of Madras in the year 1884, at Rs. 2-8-0 per ton and then there was no provision for any rebate whatsoever. In the year 1889 Mr. Boyson of the Chamber of Commerce, Madras, brought to the notice of the Corporation great handicap to the trade and to the freight of the Port Trust by the levy of this tax by the Corporation on articles which are in transit but are not actually used in the city of Madras. He also brought to their notice that it was a great hardship to the consumers outside the city of Madras and that the trade of Madras would shift to Negapatam or Pondicherry where there was no such impost on timber. On consideration of this, the Government passed an order in 1890 (G.O. No. 10 M., dated 6th January 1891) approving the by-laws for the grant of refuud under section 341 of the Act of 1884. The above was incorporated in the amending Act of 1892 as the matter had to be explicitly provided for in the Act. In the Act of 1904 provision for refund was made and the Government timber was exempted from the payment of this tax. In the Act of 1919 the exemption granted to Government timber was withdrawn, but the provision for refund was retained. Since then, Sir, a series of corruption has crept in the rebate of this tax. This is one of the sources of revenue of the Corporation bringing an income of nearly one lakh of rupees every year. From the year 1921 to 1927 the Corporation has been giving away a larger amount in the shape of rebate than the actual amount realized from the timber tax. In 1921-22 (the first year) the collections amounted to Rs. 1,91,108-12-0 and the refunds Rs. 87,155-2-0. In 1922-23 the collections were Rs. 1,77,132-8-0 and the refunds Rs. 83,037-0-5. In 1923-24, the figures were Rs. 1,61,738-12-0 and Rs. 1,40,057. The respective figures for 1924-25 and 1925-26 were Rs. 1,41,501 and Rs. 1,00,491-15-0, and Rs. 1,68,882-8-0 and Rs. 44,555-4-0. In the year 1924, the attention of the then Commissioner Mr. Bower was drawn to this state of affairs by me and he proposed to make certain alterations. As that

[a] Published in the *Fort St. George Gazette*, dated 25th September 1928 as Bill No. XIII of 1928.

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proposal was not actually beneficial and was not given effect to, the members of the Corporation insisted on a committee of enquiry being appointed to enquire into the scandalous state of affairs which then existed and the whole thing being handed over to the Police. A committee was appointed and after enquiry it came to the conclusion that there were defalcations in the accounts and swindling of the Corporation revenue. The committee also stated that under the existing conditions with the provision for the refund of timber tax, it was quite possible that cheating there would be to a considerable degree. Sir, to give rebate, the Corporation has to employ assessors and also overseers at four or six different points of exit from the city to watch day and night the quantity of timber going out of the city. There is a section in the Act which says that the consignee and consignor must reveal their names but this is not done on account of the principle that trade secrets should not be revealed. Sir, the servants of the Corporation were giving away large amounts as rebate on timber which was not imported into the city at all. This fact was brought to the notice of the enquiry committee, but when the committee sent for the papers relating to the affair, the papers mysteriously disappeared. Papers relating to the Corporation timber accounts and other files disappeared from the office itself. The committee then came to the conclusion that this system of giving rebate must be put an end to and some flat rate introduced. I suggested Rs. 3, but as that was thought to be low, Rs. 3-8-0 was agreed to. The Government stated that even that was low. Now we are all agreed that it might be fixed at Rs. 4 per ton. The Government agreed to this rate and the Chamber of Commerce represented by Sir James Simpson also agreed. Sir, by this arrangement nobody is going to lose. The Corporation is going to gain a good deal. If my Bill is passed it will do away with cheating and with the establishment that is now in charge of keeping accounts for granting rebate. Sir, the timber merchants also do not stand to lose. They can reduce the establishment which is now engaged in keeping accounts of timber going out. This will not affect honest dealers.

" Suppose a dealer who imports five tons into the city sells four tons in the city and one ton outside the city. For that one ton he will get a rebate of Rs 4-8-0 while for the other four tons he will have to pay Rs 5. Under my Bill he gives only Rs. 4 on all the five tons and he does not lose anything provided he is an honest dealer. On the other hand, the Corporation also would save a considerable amount of money which is spent on the staff employed for vigilance and for overseers who have to be there day and night. Sir, this Bill has been agreed to by all the persons concerned and if the House is pleased to accept this now, without being referred to a select committee, we will be saving about Rs. 30,000 to Rs. 40,000 at once and every year hereafter. I move, Sir, that the House be pleased to pass my Bill into law. " 3-15 p.m.

Mr. ABDUL HAMID KHAN :—" I second it."

* The hon. the PRESIDENT :—" The question is only that the Bill be taken up for consideration."

* Mr. BASHEER AHMAD SAYEED :—" Sir, in supporting this motion I want to impress upon this House the urgent necessity of passing this Bill into law. The Madras Corporation has been losing a good deal of its legitimate income as the rules stand at present. The hon. the Mover

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has already referred to the defalcations; but only a portion of them was discovered and there is a good deal yet to be discovered and put an end to if the Corporation is to save its revenues. Under the present Act a good deal of the revenue received by the Corporation is returned to the parties concerned when they export the timber. On the other hand, if a flat rate is fixed, it will save the revenues of the Corporation and there will be no room for defalcation in future. I therefore appeal to the House to pass this Bill into law at once if it can be done."

* The hon. the PRESIDENT:—"The motion is only that the Bill be taken up for consideration."

The hon. Dr. P. SUBBARAYAN: "Mr. President, Sir, I was waiting to see whether my hon. Friend, Mr. Govindaraja Mudaliyar, who had given notice of an amendment to this Bill would move it. Without his amendment, I do not think it will be possible for the Government to accept the Bill as it stands now, because I do not think it will be fair to make the mufassal pay for the city of Madras. I do not see why the City should derive advantage over timber imported for use in the mufassal. Under these circumstances, I am constrained to oppose the Bill of Dr. Mallayya."

Mr. SAMI VENKATACHALAM CHETTI:—"Mr. President, Sir, I am very sorry that the hon the Chief Minister has thought it fit to oppose this very innocent Bill of Dr. Mallayya. He said that he could not accept the Bill without the amendment given notice of by Mr. Govindaraja Mudaliyar to the effect that timber that is exported direct by rail from the City might be exempted. The object of the Bill is to avoid the possibility of cheating the Corporation in the matter of refund on timber exported from the City. That object will not be served by exempting one kind of timber that is to be exported by rail to mufassal stations. Further, Sir, I am not able to understand the reasonableness of levying any rate on the timber that is consumed in the city of Madras from the point of view of encouraging house-building in the City. On the other hand, it is only just that the Madras Corporation should levy a tax on the timber that is sent away to the mufassal stations from here, because the Corporation affords facilities for landing the timber here and for exporting it to another station. The mufassal places are indebted to the Madras Corporation for all the facilities offered by that body for the transit of the timber. Therefore it is just and proper that we should levy a tax on such timber purchased from Madras for all the facilities afforded by the City. (A Voice: Port Trust.) Whether it is the Port Trust or the Corporation, it is all a Madras concern. We know how the Madras Corporation contributes to the development of the Madras Port Trust. At any rate it is a matter for adjustment between the Corporation and the Port Trust and not between the Corporation and the mufassal places. The object of Dr. Mallayya's Bill will not be served if we make provision for refund applications on certain classes of timber. To obviate the evil, I would request the hon. Minister to reconsider his position and accept this proposal which has been accepted by the European Chamber of Commerce and the South Indian Chamber of Commerce. If the Corporation has not favoured this amendment it is because there are many other amendments of the City Municipal Act which require consideration. But now that Dr. Mallayya has brought forward this Bill, it will be unreasonable on the part of the Government to oppose this."

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* Mr. S. SATYAMURTI:—"Mr. President, Sir, I also want to add my voice in support of the Bill of my hon. Friend for the City of Madras. I invite the attention of the hon. the Chief Minister to the Statement of Objects and Reasons which says that 'in the past there have been several instances in which refund of tax was made in respect of timber that was not actually exported.' The second proviso to section 129 of the City Municipal Act reads: 'Provided also that any timber in respect of which the tax has been paid is exported beyond the city nine-tenths of the tax levied thereon shall be refunded.' I do not know if the hon. the Minister is familiar with the notorious timber fraud case in the Madras Corporation which was enquired into by a committee and which involved large sums of money. Some lakhs of rupees were lost to the Corporation owing to these frauds in connexion with the timber refund. The Corporation after considering the question carefully came to the conclusion unanimously that the only way of effectively preventing frauds of any such kind was to omit the second proviso altogether. I may add, Mr. President, that the Chairman of the Port Trust was a member of the committee. The committee that enquired into the defalcations unanimously came to the conclusion that the second proviso ought to be omitted altogether. In order that the people concerned may not be put to unnecessary loss, the hon. the Mover has also suggested in his Bill that the rate of timber tax may be reduced from Rs. 5 to Rs. 4. Therefore this is the most equitable arrangement for all persons concerned. The amendment of the hon. Mr. Govindaraja Mudaliyar will give rise to more or less the same trouble, which the second proviso is now causing. It refers to the exemption of the class of timber arriving by sea and taken direct by rail. How is it going to be treated? What is the length of stay in Madras which will allow that timber to be exempted? Suppose the timber arrives by sea to-day and is kept in Madras for two or three months and then taken by rail, is that timber exempted? I see the hon. Member, the Secretary to the department, vigorously shaking his hand. Unfortunately courts of law do not take notice of shakes of hand even of Secretaries to Government. They rely on the words of the statute. The words as they stand are: 'Timber arriving by sea and taken direct by rail.' What does it mean? Undoubtedly it is open to any lawyer in a court to argue, if the timber arrives by sea and is not used for any other purpose but stored in a warehouse, for however long a period, and taken direct by rail, that it comes within the proviso. How can that be objected to? It may be in a warehouse for six months. It may be taken by the roads which are constructed, maintained and lighted by the Madras Corporation from the sea to the warehouse. I do not see why the Corporation should not get its share of the revenue when their roads are being used. After all, who are these people? They are the merchants who make a lot of profit by importing timber into Madras and selling it to the mufassal. I do not see why the finances of the Corporation of Madras which are already poor should be adversely affected in this manner. Moreover sub-section (2) as it stands which no one seeks to amend reads thus:

'No timber shall be brought into the city unless the tax due thereon be paid.'

"Therefore it is clear that whatever timber is brought into the city shall pay a tax. Therefore, there is no necessity at all for this exemption, and more than that, owing to the indefinite nature of the wording of this proviso, which does not fix any limit at all for the period the timber stays in Madras, before it is taken by rail, in order that it may be exempted from this tax,

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I appeal to the House to accept the Bill as it stands. The hon. Minister accepts the principle of the Bill, namely, that this proviso should be deleted. It is the unanimous opinion of those who have dealt with the matter. As my hon. Friend Mr. Sami Venkatachalam Chetti has pointed out, both the European Chamber of Commerce and the South Indian Chamber of Commerce have accepted this principle. The Corporation also is unanimously in favour of it Under the circumstances I ask the House to accept the Bill as it stands and not be led away by the lead given by the hon. Minister who says that unless the amendment given notice of not by the Government, but by a private member is accepted by the House, he would not accept the Bill. It is an unreasonable position for the Government to take up. After all, what is the class of timber that is going to be exempted? Assume for one moment that the hon. Minister is correct. I put it to him whether it is right that he should support a position which has made possible the perpetration of colossal frauds, when everybody concerned wants the proviso to be dropped. If really there is going to be any difficulty, when the 'comprehensive amending Bill' comes up before the House like so many other 'comprehensive Bills,' that difficulty may be removed. In the interests of the rate-payers of the city, I do appeal to the House to see to it that this Bill is accepted and passed into law."

Dr. B. S. MALLAYYA :—" Sir, since there has been a controversy about the quantity of timber passing direct to the mufassal I shall bring to the notice of the House a few facts. There used to be large quantities of timber brought down from Australia for the use of the Kolar Gold Mines and also sleepers for the railway lines. During the war when Burma teak was selling very high there used to be brought into this country several varieties of timber from outside. Now that the Burma teak has gone down, the mines are not taking any timber at all. I cannot find even five hundred tons going in for the last three years. The railway sleepers are supplied by Mysore and also by the Chenat Nair forests.

3-30 p.m. " There is timber coming straight from Burma to the interior, not halting in the city. We have nothing to do with that timber which goes straight to the railways or to the mines. This Bill is concerned with the timber that is landed in Madras, taken by our roads, stocked in our depots and sold to the mufassal or alleged to be sold. Only that timber which comes into the city and is sold by the dealers in the city is affected by this Bill and no other timber."

The hon. the PRESIDENT :—" The question is that the Bill be taken into consideration."

The motion was put to the House and declared lost.

A poll was demanded and the House divided thus :—

Ayes.

1. Mr. Sami Venkatachalam Chetti.	10. Mr. C. N. Muthuranga Mudaliyar.
2 ,, S. Satyamurti.	11. ,, K. V. R. Swami.
3. ,, C. V. Venkataramana Ayyangar.	12. ,, D. Narayana Raju.
4. ,, P. Anjaneyulu.	13. Dr. B. S. Mallayya.
5. ,, P. C. Venkatapati Raju.	14. Mr. K. Uppi Sahib.
6. ,, J. A. Saldanha.	15. ,, K. R. Karant.
7. ,, Abdul Hamid Khan Sahib.	16. ,, C. Obi Reddi.
8. ,, C. S Govindaraja Mudaliyar.	17. ,, A. Parasurama Rao.
9. ,, G. Harisarvottama Rao.	18. ,, C. Ramasomayajulu.

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Ayes—cont.

19. Mr. Basheer Ahmad Sayeed.
20. ,, P. Bhaktavatsulu Nayudu.
21. Sriman Biswanath Das Mahasayo
22. Mr. A. Kaleswara Rao.
23. ,, R. Srinivasa Ayyangar.
24. ,, L. K. Tulasiram.
25. ,, C. Maruthuvanam Pillai.
26. ,, K. V. Krishnaswami Nayakar.
27. ,, C. Venkatarangam Nayudu.
28. ,, K S. Sivasubrahmania Ayyar.
29. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
30. Mr. Ramanath Goenka.
31. ,, R. Nagan Gowda.
32. The Zamindar of Gollapalli.
33. Mr. C. R. Parthasarathi Ayyangar
34. ,, T. C. Srinivasa Ayyangar.
35. ,, P. Siva Rao.
36. ,, K. P. Raman Menon.
37. ,, C. Gopala Menon.
38. ,, B. Ramachandra Reddi.
39. Rao Bahadur C. S. Ratnasabhapati Mudaliyar.

Noes.

1. The hon. Sir Norman Marjoribanks.
2. ,, Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
3. ,, Mr. T. E. Moir.
4. ,, Diwan Bahadur M. Krishnan Nayar.
5. ,, Mr. S. Muthiah Mudaliyar.
6. ,, Dr. P. Subbarayan.
7. Mr. C. B. Cotterell.
8. ,, H. A. Watson.
9. ,, C. A. Souter.
10. ,, S. H. Slater.
11. ,, A. McG. C. Tampoe.
12. ,, C. W. E Cotton.
13. ,, V. Ch. John.
14. ,, M. A. Manikkavelu Nayakar.
15. ,, Syed Taj-ud-din Sahib.
16. ,, A. B Shetty.
17. ,, J. Bheemayya.
18. ,, R. Foulkes.
19. ,, P. J. Gnanavaram Pillai.
20. ,, J Kuppuswami.
21. Subedar-Major S. A. Nanjappa Bahadur.
22. Mr. T. M. Narayanaswami Pillai.
23. ,, K. Krishnan.
24. ,, N. Siva Raj.
25. ,, M. V. Gangadhara Siva.
26. Mr. V. I. Muniswami Pillai.
27. ,, W. P. A. Soundarapandia Nadar.
28. ,, S. Subrahmania Moopanar.
29. ,, Daniel Thomas.
30. ,, S. V. Vanavudaya Goundar.
31. ,, S. Venkayya.
32. ,, Syed Ibrahim Sahib.
33. The Zamindar of Singampatti.
34. Mr. C. R. T. Congreve.
35. ,, S. N. Dorai Raja.
36 ,, S. Arpudaswami Udayar.
37. The Zamindar of Kallikota.
38. Mr. K. Ramachandra Padayachi.
39. Rao Sahib R. Srinivasan.
40. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
41. Mr. G. R. Premayya.
42. The Raja of Panagal.
43. Rao Bahadur Sir A. P. Patro.
44. Mr. T. K. Chidambaranatha Mudaliyar.
45. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
46. Muhammad Khadir Mohideen Sahib.
47. Diwan Bahadur S. Kumaraswami Reddiyar.
48. The Zamindar of Mirzapuram.
49. Mr. A. V. Bhanoji Rao.

Ayes 39. Noes 49.

The motion was lost.

X

A BILL TO AMEND THE MADRAS HINDU RELIGIOUS ENDOWMENTS ACT, 1926.

* Dr. (Mrs.) S. MUTHULAKSHMI REDDI :—" Mr. President, Sir, I beg to move that my Bill [a] to amend the Madras Hindu Religious Endowments Act, 1926, be referred to a Select Committee composed of the undermentioned members :—

(1) Mr. Sami Venkatachalam Chetti.
(2) ,, K. R. Karant.
(3) ,, C. N. Muthuranga Mudaliyar.
(4) ,, T. M. Narayanaswami Pillai.
(5) ,, A. B. Shetty.
(6) Rao Bahadur B. Muniswami Nayudu.
(7) Mr. C. S. Ratnasabhapati Mudaliyar.

a Published in the *Fort St. George Gazette* dated 25th September 1928 as Bill No. 12 of 1928.

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(8) Mr. A. Ranganatha Mudaliyar.
(9) Dr. (Mrs.) S. Muthulakshmi Reddi.
(10) The hon. Diwan Bahadur M. Krishnan Nayar.
(11) The hon. Sir Norman Marjoribanks."

Mr. A. B. Shetty :—" Sir, I beg to second the motion."

The hon. the President :—" The question is that the Bill be referred to a Select Committee composed of the members mentioned above."

Mr. M. V. Gangadhara Siva :—" Mr. President, Sir, I beg to move the following amendment . . ."

The hon. the President :—" Has the hon. Member given notice of the amendment ? "

Mr. M. V. Gangadhara Siva :—" Yes, Sir."

The hon. the President :—" Does any hon. Member object to the amendment being moved now on the ground of being late ? (No hon. Member objected.) The hon. Member has the leave of the House."

* Mr. M. V Gangadhara Siva :—" Sir, I beg to move the following amendment, viz., that the number of Members of the Select Committee be increased to 15 and that the following names be added :—

The Mover of the motion (Mr. M. V. Gangadhara Siva).
Mr. W. P. A. Soundarapandia Nadar.
,, N. Siva Raj.
,, V. I. Muniswami Pillai."

Mr. V. I. Muniswami Pillai :—" I beg to second the motion."

The hon. the President :—" The question is that the following names be added to the list of the members of the Select Committee :—

Mr. M. V. Gangadhara Siva.
,, W. P. A. Soundarapandia Nadar.
,, N. Siva Raj.
,, V. I. Muniswami Pillai."

The motion was put and carried.

Mr. Basheer Ahmad Sayeed Sahib :—" Mr. President, Sir, I move that under Standing Order 40 (2) the number of the members of the Select Committee do exceed 15."

Mr. P. Bhaktavatsulu Nayudu :—" I second the motion."

The motion was put and carried.

Mr. Basheer Ahmad Sayeed Sahib :—" I move, Sir, that the name of Mr. Satyamurti be added to the list of the Members of the Select Committee."

Mr. P. Bhaktavatsulu Nayudu :—" I beg to second it."

The motion was put and carried.

The hon. the President :—" The amended motion is for the discussion of the House."

Mr. Sami Venkatachalam Chetti :—" Sir, I beg to move that the Select Committee be requested to prepare the report by the end of this month. The reason for making this motion is to prepare sufficient business

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for a meeting of the Legislative Council in November. We have to deal with the subject very soon and it is requested that the Select Committee may prepare its report by the end of this month."

Mr. ABDUL HAMID KHAN :—" I second it."

The hon. the PRESIDENT :—" The question is that the Select Committee be given a direction that they should report by the end of this month."

Dr. (Mrs.) S. MUTHULAKSHMI REDDI :—" Sir, I beg to oppose the motion, because as the convener of the Select Committee it may not be possible for me to have the report ready at the end of this month."

The hon. the PRESIDENT :—" The hon. Member need not anticipate who the convener of the Select Committee meetings will be." (Laughter.)

Dr. (Mrs.) S. MUTHULAKSHMI REDDI :—" I meant 'mover of the motion.' "

Mr. SAMI VENKATACHALAM CHETTI :—" With your permission, Sir, may I ask whether the second week of November will be convenient time to the hon. Member? In that case I will move an amended motion."

Dr. (Mrs.) S. MUTHULAKSHMI REDDI :—" I am sorry I will not be able to fix the time."

The motion was, by leave of the House, withdrawn.

The hon. the PRESIDENT :—" The question is that the Bill be referred to a Select Committee composed of the undermentioned members :—

(1) Mr. Sami Venkatachalam Chetti.
(2) ,, K. R. Karant.
(3) ,, C. N. Muthuranga Mudaliyar.
(4) ,, T. M. Narayanaswami Pillai.
(5) ,, A. B. Shetty.
(6) Rao Bahadur B. Muniswami Nayudu.
(7) ,, C. S. Ratnasabhapati Mudaliyar.
(8) Mr. A. Ranganatha Mudaliyar.
(9) Dr. (Mrs.) S. Muthulakshmi Reddi.
(10) The hon. Diwan Bahadur M. Krishnan Nayar.
(11) ,, Sir Norman Marjoribanks.
(12) Mr. M. V. Gangadhara Siva.
(13) ,, W. P. A. Soundarapandia Nadar.
(14) ,, N. Siva Raj.
(15) ,, V. I. Muniswami Pillai.
(16) ,, S. Satyamurti."

The motion was put and carried.

XI

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920.

Mr. A. KALESWARA RAO :—" Mr. President, Sir, I beg to move for leave to introduce a Bill to amend the Madras District Municipalities Act, 1920."

Mr. G. HARISARVOTTAMA RAO :—" I beg to second the motion."

The motion was put and carried.

Mr. A. KALESWARA RAO :—" I beg to introduce the Bill."

Mr. R. SRINIVASA AYYANGAR :—" I second the motion."

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XII

A BILL TO AMEND THE MADRAS ABKARI ACT, 1886.

* Mr. J. A. SALDANHA :—" Mr. President, Sir, I beg to move that my Bill [a] to amend the Madras Abkari Act, 1886, be referred to a Select Committee. I have sent an amendment to ask the permission of the House that the number of Members on the Select Committee may exceed 15 and may be increased to 20."

3-45 p.m. The hon. the PRESIDENT :—" The question is that the Select Committee may consist of twenty members."

The motion was put to the House and carried.

* Mr. J. A. SALDANHA :—" I now beg to move, Sir, that the Bill to amend the Madras Abkari Act, 1886, be referred to a Select Committee composed of the following Members :—

(1) The hon. Mr. S. Muthiah Mudaliyar,
(2) Rao Bahadur Sir A. P. Patro,
(3) Diwan Bahadur R. N. Arogyaswami Mudaliyar,
(4) The hon. the Advocate-General,
(5) Mr. J. A. Saldanha,
(6) „ J. A. Davis,
(7) „ W. O. Wright,
(8) Dr. B. S. Mallayya,
(9) Mr. K. Uppi Sahib,
(10) „ P. Bhaktavatsulu Nayudu,
(11) „ G. Harisarvottama Rao,
(12) „ L. K. Tulasiram,
(13) Rao Sahib R. Srinivasan,
(14) Mr. K. R. Karant,
(15) „ A. B. Shetty,
(16) „ C. B. Cotterell,
(17) „ S. N. Dorai Raja,
(18) „ D. K. Syed Ibrahim Sahib,
(19) „ K. Krishnan and
(20) „ P. T. Rajan.

" In making this motion, Sir, I request the House to bear with me with some patience while I explain the reasons for the present Bill to amend the Abkari Act of 1886."

The hon. the PRESIDENT :—" Does the hon. Member think that it is likely to be opposed? "

Mr. J. A. SALDANHA :—" I am going to explain the reasons, Sir."

The hon. the PRESIDENT :—" Is it necessary to do so if the Bill is not going to be opposed, in the interests of expeditious disposal of business? "

Mr. J. A. SALDANHA :—" I do not expect opposition seriously. But I want to briefly explain my position. "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I am not opposing the Bill exactly; but I want to say a few words on the questions specifically raised there."

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* Mr. J. A. SALDANHA :—" Sir, the Madras Abkari Act of 1886 is based to a great extent on the Bombay Act of 1878, probably because the Bombay Presidency has been going ahead of us in the matter of their excise policy which is of a most reactionary nature and very injurious to the welfare of the people of this country. Be that as it may, I am now proposing certain amendments to the Abkari Act which are certainly not of a retrograde character and which should certainly commend themselves to the Government. One of the amendments, if passed, will also bring some additional revenue to the Government and the other will to some extent restrict the arbitrary action of the Abkari officials in the matter of the seizure of articles of the people in the villages who commit abkari offences.

" I shall now deal first with the second of my amendments which relates to clubs. Clause 3 of my Bill provides that to section 15 of the Madras Abkari Act of 1886 the following explanation shall be added :—

'*Explanation.*—The supply of liquor in clubs to their members on payment of a price or of any fee subscription is a sale within the meaning of this section.'

" These words, Sir, I have taken from the Amending Act of 1925 of the Bombay Government. When that Act was passed by the Bombay Government, I brought it to the notice of the Members of this Council, but I was subjected to much sceptical laughter on that occasion when I stated that that Act was brought forward by the Bombay Minister. The effect of that Act was to place all clubs on a par with the liquor shops. I may here point out that clubs are exempt from payment of duties which liquor shops have to pay. Apart from the customs duties, the liquor shops are also subjected to a number of duties which clubs are free from; for instance, the liquor shops have to pay Rs. 1,000 every year for getting a licence for selling foreign liquor in cases, i.e., F.L. No. 1. They have also to pay Rs. 500 a year for selling liquor in bottles, and they are also paying a lot of other duties. By this means, the Government are making good revenue. At the same time, clubs are free from all these exacting duties. In this way, Government are losing a large sum of money, although they are entitled to it. Sir, it is not from a point of petty jealousy that I move this Bill, but I do so in the interests of the revenues of the State as well as with a view to do justice to the liquor shops who alone have now to pay the duties, from which the clubs are exempt, whether they sell liquor wholesale or in retail. Personally I should like to have exemption from liquor duties on a large scale, but I do not know why some people should get liquor duty free. For this reason, Sir, just as the Bombay Government have done, I trust this Government also place the clubs on a par with the liquor shops, and accept my proposal. There are many liquor shops in this Presidency, and I do not think the number is in any way less than that in the Bombay Presidency; and so, in the interests of the State revenues, I propose that the clubs also should be placed on a par with the liquor shops.

" As regards my other amendment, Sir, there might perhaps be some difficulty in inducing Government to accept my proposal. But I base my proposition on a fundamental principle. In the case of seizing articles under the Criminal Procedure Code, Sir, I think the Police officer will be justified in going and seizing articles of the man whom he thinks has committed any criminal offence; but in the case of the Abkari Act I say the scope for

abuse is much greater and there is a restriction on the liberty of man. I do not think there is any moral turpitude in manufacturing liquor; it is a liberty enjoyed by all the people in the world. (Hear, hear.) It is a liberty which mankind has been enjoying from ancient times. We do not see any restriction placed in the case of foreign liquor, but when it is a question of manufacture in India, all sorts of restrictions are imposed. In every country licence fees are imposed; but this interference with our right to manufacture and sell liquor in India seems to be an interference with one of the liberties which people all over the world enjoy. I may point out, Sir, that in the case of the seizure of an article by the Police which they have reason to suspect is stolen property, the burden of proof rests with the Police officer but in the case of the seizures under the Abkari Act, it is just the reverse and we know very well from experience that this power is often abused by the officials who always bring innocent persons to trouble because some article is found in their possession or in the backyard of their houses, etc. As a matter of fact, in many cases, the articles are thrown into other people's houses by somebody and the wrong person is always brought to account. Therefore, for the protection of the innocent people, I have brought forward this amendment. Section 103 of the Criminal Procedure Code under which the Police make searches says:

Before making a search under this chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search, and may issue an order in writing to them or any of them so to do.

'The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses; but no person witnessing a search under this section shall be required to attend the court as a witness of the search unless specially summoned by it . . .'

"What I say is that the abkari officer also should be placed under the same restrictions before making seizure without search. It is for the Select Committee to give particular facilities to the abkari officer or the village officer, etc., and I have no objection to the Abkari Act being so amended as not to make it easy, without unnecessary obstruction, for the abkari officer to seize an article. I would therefore press upon the attention of the Members of this Council that firstly in the interests of the revenues of the State and secondly for the protection of the liberty of men this Bill ought to commend itself to the acceptance of the hon. Members of this House.

"I hope, Sir, I have made my points clear, and that I shall have the support of the House in this matter."

Mr. K. Uppi Sahib:—"Mr. President, Sir, I second the motion."

4 p.m. The hon. the President:—"The question is that the Bill be referred to a Select Committee consisting of twenty members as read out by the Mover of the Bill."

* The hon. Mr. S. Muthiah Mudaliyar:—"Mr. President, Sir, I am indebted to the hon. Member from Mangalore for some of the observations he made. I may assure hon. Members of this House that the Government do not want to take advantage of such observations. What the hon. Member wants is that when liquor is seized without a search,

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the Abkari officer should have two more witnesses to the seizure. Section 103 of the Criminal Procedure Code applies where articles are seized, and in the Abkari Act there are two sections, one dealing with search and another with seizure without search. Where there is seizure without search, my hon. Friend wants that the provisions which apply to search should also apply. Reading the two sections together, of the Criminal Procedure Code and of the Abkari Act, I am not quite sure we would be able to make any reasonable interpretation of the clause as put by the hon. the Mover of the Bill. I think radical amendments will have to be made if possible to make something useful out of it, and if that is not possible it may have to be deleted and Government do not propose to oppose this at present. Then, the next thing the hon. Mover wanted was to enhance the revenues. I am not perfectly sure that if this provision is made in the Abkari Act, whether the income will be more or expenditure that will have to be incurred for staff by enforcing the law will be more. I am not quite sure whether it would be a source of gain. If my hon. Friend is really anxious that the revenue should be enhanced, I believe an alteration of the whole scheme will have to be made. The hon. Member says that in Bombay they have introduced it. There were a number of bogus clubs and to avoid the evil, the legislation was made. I am not quite sure how many clubs there are to answer the description in this province. My hon. Friend has not given any statistics in support of his statement. After all how many clubs there are in this province which are exempted from licence fees? It is only non-proprietary clubs that are exempted from these licences, because Government consider, and I think rightly, that the distribution of liquor among the members of a club is not sale at all. If my hon. Friend wants to change the definition of sale and wants to impose any duty on these clubs, all right. If suitable amendments are made, the Government won't have any objection to it. With these few observations as regards the principles and objects of the Bill, I have no objection to this Bill going to a Select Committee."

The hon. the PRESIDENT :—"The question is that the Bill be referred to a Select Committee composed of the following members :—

(1) The hon. Mr. S. Muthiah Mudaliyar.
(2) Rao Bahadur Sir A. P. Patro.
(3) Diwan Bahadur R. N. Arogyaswami Mudaliyar.
(4) The hon. the Advocate-General.
(5) Mr. J. A. Saldanha.
(6) ,, J. A. Davis.
(7) ,, W. O. Wright.
(8) Dr. B. S. Mallayya.
(9) Mr. K. Uppi Sahib.
(10) ,, P. Bhaktavatsalu Nayudu.
(11) ,, G. Harisarvottama Rao.
(12) ,, L. K. Tulasiram.
(13) Rao Sahib R. Srinivasan.
(14) Mr. K. R. Karant.
(15) ,, A. B. Shetty.
(16) ,, C. B. Cotterell.
(17) ,, S. N. Dorai Raja.

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(18) Mr. Syed Ibrahim Sahib.
(19) ,, K. Krishnan,
(20) ,, P. T. Rajan."

The motion was put to the House and carried.

VIII—*cont.*

A BILL FOR THE SUPPRESSION OF BROTHELS AND IMMORAL TRAFFIC—cont.

* Mr. K. R. VENKATARAMA AYYAR :—" Sir, I wish to express my sincere regret for having caused some inconvenience to you, Mr. President, and to the House and for having caused some dislocation in the course of the transaction of the day's business. I hope you will accept my apologies.

" I now wish to move that the House do give me leave to take up again item No. 16 on the agenda, viz., the Bill for the Suppression of Brothels and Immoral Traffic."

The hon. the PRESIDENT :—" I wish to know whether there is any objection ? "

Mr. SAMI VENKATACHALAM CHETTI :—" There is no objection except that this might not be a precedent for future occasions."

The hon. the PRESIDENT :—" Since there is no objection by the House, on condition that it shall not form a precedent in future, the hon. Member has got the leave of the House to move."

* Mr. K. R. VENKATARAMA AYYAR :—" I now move that the Bill for the Suppression of Brothels and Immoral Traffic be referred to a Select Committee composed of the following members :—

(1) The hon. the Law Member.
(2) Dr. (Mrs.) S. Muthulakshmi Reddi.
(3) Swami A. S. Sahajanandam.
(4) Syed Tajuddin Sahib Bahadur.
(5) Mr. Abdul Hamid Khan.
(6) Dr. B. S. Mallayya.
(7) Mr. C. S. Govindaraja Mudaliyar.
(8) ,, P. Anjaneyulu.
(9) ,, B. Ramachandra Reddi.
(10) Diwan Bahadur S. Kumaraswami Reddiyar.
(11) Diwan Bahadur R. N. Arogyaswami Mudaliyar.
(12) Mr. K. P. Raman Menon.
(13) ,, C. Gopala Menon.
(14) ,, W. O. Wright.
(15) ,, K. R. Venkatarama Ayyar.
(16) The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
(17) The hon. the Advocate-General.
(18) Mr. C. B. Cunningham.
(19) ,, L. K. Tulasiram.
(20) Rao Bahadur Sir A. P. Patro,
(21) Rao Bahadur B. Muniswami Nayudu.
(22) Rao Sahib R. Srinivasan.
(23) Mr. Ramnath Goenka.
(24) The Zamindar of Gollapalli."

Mr. C. GOPALA MENON :—" I second the motion, Sir."

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The hon. the PRESIDENT :—" The question is that the Bill be referred to a Select Committee composed of the members as printed in the agenda."

* Mr. S. SATYAMURTI :—" Sir, I beg to move that the Bill be circulated for eliciting public opinion. Sir, I know that in matters of this kind a person, who advises caution or who advises opinion being taken, is easily misconstrued by social enthusiasts to be obstructive in their desire for purifying life in our country. In order, Sir, that I may not be so misunderstood, I want to make it perfectly clear, that I do not yield to my Friend the Mover of the Bill in my desire to see that all the evils referred to in this Bill are put an end to, and as speedily and effectively as possible. But, Sir, I venture to put it to this House that this is, if not completely, at least partially, a piece of social legislation, affecting the home life of many people who whatever their faults may be are also citizens of this country and deserve to be treated as people who have got their rights, subject and subject only to this, that these rights do not trespass on those canons of public morality which civilization has made compulsory for civilized life to exist and to progress. Now, Sir, I do not want to say for one moment that this evil should not be checked ; but, Sir, when my hon. Friend the Mover of the Bill paints in some lurid colours in his Statement of Objects and Reasons that this evil is increasing, is a serious danger and must be put an end to, I venture to enter my very humble caveat against that overstatement. Sir, I have been to several cities, besides Madras, and I have also been to Madura ; I have been to other cities in the rest of India, cities in Europe ; and although I do not want to minimise evils such as may exist, I claim for Madras to-day that of all the cities I have seen, Madras is the purest and the cleanest, from the point of view of the subject with which this Bill deals. Sir, I am sorry I have to refer to certain unsavoury things in the course of the discussion on this motion. To the best of my opinion, there is no public solicitation as such in any of the streets of Madras or in any of its thoroughfares, such as to disfigure these streets and thoroughfares as in Calcutta, Bombay, Colombo, London and Paris. (Mr. L. K. Tulasiram : ' Chengam Bazaar excepted '.). Perhaps my hon. Friend knows Chengam Bazaar ; but I do not know Chengam Bazaar. It seems to me, Sir, that even there, I have been informed that there is no public solicitation in the sense in which, for example, the street-walkers, as one knows, exist in other countries. Now, if there are evils even in Chengam Bazaar, as my hon. Friend from Madura interjects, I put it to him whether it is right that because there is one small area in Madras, where according to him there is this public solicitation, you ought to put the whole of the city of Madras under this somewhat Draconian and drastic piece of legislation. May I put it to my Friend, if Madura is entirely free from this kind of social evil? And this Bill, coming as it does from a Madura Member, exempts Madura and all mufassal towns and attacks only the Madras City, and leaves it to this Government to apply this Bill later on to the mufassal. But, so far as the Madras City is concerned, my friend here has been deeply touched and wants to save Madras, letting Madura take care of itself. It seems to me that there is a great deal of wisdom in the saying of Socrates, ' if you want to reform the world, try to begin by reforming your nearest surroundings.' If my hon. Friend knows Madura, as he must, he must come forward with a Bill to purify Madura, and then ask us to cleanse other cities, saying that he comes with an intimate knowledge of social conditions existing in his own place and therefore the

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Bill should be given a trial there. Now, Sir, apart from that, assuming for one moment that the evils which the hon. Mover portrays do exist, I grant that we must make legislative measures to put down social evils. But, Sir, I want to point out to this House that this matter is not one to deal with which there is no provision at all under the existing law. Sir, there are two provisions in the Madras City Police Act, section 52 and section 71. This is an existing provision in the City Police Act, under which the Commissioner of Police can take steps to deal with brothels or houses for the purpose of prostitution; the impression is likely to be created by my hon. Friend's speech, that, for the first time, he is dealing with this evil, and therefore this Bill ought to be supported. It is not so; my hon. Friend is not a pioneer. He has been anticipated by the authors of the Madras City Police Act, who in section 52 of the Act have enacted this provision: 'If the Commissioner has reason to believe that a house is used as a common brothel or lodging house for prostitutes or disorderly persons of any description, he may summon the owner or tenant of the house and on being satisfied that the house is so used and is a source of annoyance and offence to the neighbours may order the owner or tenant to discontinue such use of it. . .' I should like to know from my Friend what is wrong with this section. If the object of my hon. Friend with which I entirely sympathise is to suppress the use of houses for brothels or for purposes of prostitution, is or is not the section quite adequate for this purpose?

4-15 p.m. "If it be argued that the section is not being rigorously worked, what is the guarantee that the new section which he is now asking the House to enact is going to be more rigorously enforced? After all, what a Council like this can do is to enact suitable and adequate legislation, and to rely on the honesty and efficiency of the Police and the Magistracy to give effect to and enforce these legal provisions. It seems to me, Mr. President, that both under this section and also under section 71, sub-clause (xx), of the Madras City Police Act, the same provision is made; in the latter clause it is enacted thus: 'whoever solicits or molests any passenger for purposes of prostitution in any public street, road, thoroughfare or place of public resort shall be liable on conviction to a fine not exceeding Rs. 50 or imprisonment which may extend to one month'. That applies also to Chengam Bazaar, and if to-day in Chengam Bazaar there is this offence being committed, somebody is responsible for it, the Commissioner of Police or his subordinates, or the hon. the Home Member in charge of Police. Sir, I do not know whether such a thing exists or does not exist. But I do maintain that there are adequate provisions to-day on the statute-book to deal with both these evils, houses of prostitution or brothels, as well as public solicitation in streets, or public thoroughfares. If these two evils are adequately dealt with, I ask the hon. Mover of this Bill, what is the reason for bringing forward this Bill. Sir, the only difference I can see between his section and the present Act is that he has worded his section thus: 'It need not be a source of annoyance or trouble to the neighbours or to people remaining in those places.' Even so, the Commissioner can declare the house to be a condemned house and then it cannot be occupied or used for this purpose. Sir, even there it is left to the Commissioner of Police to enquire and take action and, before doing so, I expect any Commissioner of Police naturally to weigh all the circumstances of the case. If my hon. Friend had said that if a house is so occupied or used for any such purpose, if a house is so alleged to be

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used, the Commissioner of Police shall declare any such house to be unoccupiable, without providing for any enquiry into the matter, then I understand he *ipso facto* prohibits the use. But there is an enquiry to be made. An enquiry, I take it, will also include all relevant considerations. If even when a house is not alleged to be a source of annoyance or trouble to the neighbours, it must be prohibited, I venture to say that it is a matter on which public opinion will have to be obtained. I am not saying that public opinion justifies it. If apart from any source of annoyance to the neighbours, such houses are used or are likely to be used for any of these purposes, by all means let there be legislation. But I am asking modestly whether in a matter of this kind you will be justified in passing an Act without taking public opinion and being guided by it.

"But the most dangerous part of this Bill is this. In our anxiety for social legislation, we must not lose sight of necessary safeguards. The hon. the Mover of the Bill who, I thought, was a democrat and believes in the freedom of person and property, has, in his anxiety for social legislation, empowered the Commissioner of Police, Madras, who is very rarely a lawyer and who is always an executive officer, with ultimate unappealable authority of issuing a fiat, which is final. There is no human tribunal to which an appeal is provided over the act of the Commissioner of Police. Sir, section 5, clauses (iii) and (iv), make this perfectly clear. The Commissioner, if he is satisfied with or without further enquiry that such house, room or place is again used in such a manner, shall by order in writing on the owner, lessor, manager, lessee, tenant or occupier of such house, room or place direct that the use as so described of such house, room or place be discontinued or such house, room or place be closed and quitted within a period of seven days and be not thereafter resumed. The next clause says: 'For the purpose of this section, the decision of the Commissioner of Police that a house, room or place is used in any manner or for any purpose described in sub-section (i) shall be final and the legality or propriety thereof shall not be questioned in any trial or judicial proceeding in any court.' Now, Sir, I do not think even enthusiasm for public morality ought to blind us to the possible, and may I add, probable abuse of this power by the Commissioner of Police. What will it in practice mean? It means the head constable, the sub-inspector or the sergeant. I put it to my hon. Friend with his wide experience of public affairs whether practically this will not mean the head constable, the sub-inspector or the sergeant or other subordinate police officer. What can the Commissioner do? He is not going to be in touch with all these houses. He will depend naturally upon the reports of his subordinates. Although I do not say that our police are absolutely corrupt or anything of the kind, I do feel without being unjust or unfair to the police,—and I must say without any fear of being misunderstood—that there are in the Police, both among the higher and the lower ranks, people who are not absolutely free from corruption. I put it to my hon. Friend whether it is right without any appeal whatsoever to invest these executive officers who in the last resort will have to depend upon their subordinates, with these arbitrary and final powers.

"Then, Sir, with regard to the various other sections about removal of minors from brothels and their commitment to suitable custody, my hon. Friend, I hope, remembers that there are sections in the Indian Penal Code

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already. But he has vested in the Commissioner of Police or any police officer not below the rank of inspector specially authorized in this behalf by the Commissioner or Deputy Commissioner, etc., the power to seize any girl who is believed to be below 18 years of age and is being made to carry on this business. And when he comes to the next section he talks of such girl being placed in suitable custody in the prescribed manner until she attains the age of 21 years or for any shorter period. Has my hon. Friend thought what this suitable place is going to be? I know even in such cases what will happen. The only bodies who will take care of such girls will be the missionary homes. Again, is not this a matter on which public opinion has to be invited and we have to be guided by that opinion as to what is the kind of suitable accommodation for these unfortunate victims of commercialized vice?"

* Dr. (Mrs.) S. MUTHULAKSHMI REDDI :—"They have got a home for receiving and taking care of children under 18."

The hon. the PRESIDENT :—"The hon. Member will have an opportunity to give information."

* Mr. S. SATYAMURTI :—"My hon. Friend the Deputy President is very optimistic. She says there is a home for such people. I wish all success to the home, but does she realize that when the police begin to act in this manner, we do not know—I do not know—what the number of girls will be, whether the home will be adequate and congenial to the welfare of the girls, and whether the Police Commissioner of Madras will consider the home maintained by the society to which the hon. the Deputy President refers to be suitable or not? I certainly do not object to any home managed by distinguished reformers like the Deputy President, but we have no guarantee, so far as this Bill goes, that it will be accepted as a suitable place by the Police Commissioner.

"Then, Sir, we have got provisions with regard to the importation of girls or detention which, although they are offences which should be punished, have reversed the whole doctrine of burden of proof well known to all lawyers, including, I hope, my hon. Friend, i.e., that an accused person must be presumed to be innocent until he is proved to be guilty. But my hon. Friend, a distinguished lawyer, has reversed the whole process, and says in effect, 'You shall be presumed to be guilty and it is left to you to prove your innocence.'

"Then, Sir, he has introduced the punishment of whipping in section 11. Procuring is really a very heinous offence, but is it right that in this enlightened age we should provide for even this heinous offence this barbarous punishment of whipping? Then we get a strange power under section 13: 'if a policeman cannot know the address of a man, he can arrest him at once, if he sees him committing any of these offences.' And the Local Government, with a pathetic faith in it which I did not expect from my hon. Friend after our recent experience, is empowered to make rules for the most important essential of our social problem, namely, the care, treatment, instruction and maintenance of girls placed in suitable custody. Is this social legislation? My Friend has no constructive ideas on the matter. He does not know what to do. He is a policeman. He authorizes the police in essential matters and also leaves important items to the Local Government to

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make rules. He invests the police with summary powers, and he does not seem to have applied his mind more carefully to provisions of this Bill. And so, I think, public opinion will be very helpful in these matters, namely, care, treatment, instruction and maintenance of girls placed in suitable custody, prescribing places in which girls may be detained. So, these are matters on which I want public opinion to be elicited. And now, I want to assure those who are keen on seeing that this Bill becomes law as soon as possible, that it is not desirable that some kind of law should be placed on the statute book, but that a proper law should be passed. That may be the ambition of those who only want their names to go down to posterity, that their legislation should be left on the statute book; but those of us, humbler men who want to serve society in the best manner possible, would rather wait and take social public opinion with us. I have no doubt in my mind that every enlightened man and woman will stand behind my hon. Friend in his desire to put down these despicable vices; but in our anxiety to put them down, let us not add new vices to the chapter of iniquity. From that point of view, I venture to appeal to this House to agree to this motion to circulate this Bill for public opinion. After getting opinions, we can have the Bill in January or so, and then I am sure the Select Committee will then be able to produce a Bill which will have the sanction of public opinion behind it, and will therefore be accepted by the people; and they will be satisfied and willingly and enthusiastically work its provisions; and we shall not have to depend upon an overworked Police Commissioner or some other police officer for this. From that point of view, I would appeal to my hon. Friend to allow this Bill to be circulated."

* Mr. C. V. Venkataramana Ayyangar :—" Sir, I beg to second this motion. It will be admitted by every one especially after the speech of my hon. Friend for the University that this Bill has got some far-reaching consequences. While we sympathize with all attempts to put an end as much as possible to these vices, we should also try to safeguard the interests of society as a whole. Now there are provisions in the Police Act which for reasons best known to themselves the police are not putting into operation to a large extent. After all, what has been asked for in this motion is that the Bill should be circulated, which means that we may have to wait for about three months, so that such a measure of social legislation should have if possible the support of public opinion throughout the Presidency. We all sympathize with the objects of this Bill. But the most important thing to be looked into is whether adequate safeguards have been provided in the Bill, and there is no reason why we should consider that this House alone has got the monopoly of wisdom, and that it is not necessary that public opinion should be elicited. One question I would ask the hon. the Member from Madura, and that is whether he has made any provision to prevent these women from going out of Madras to Madura, Coimbatore or other places. These people now in Madras may as soon as the Act is passed remove to other places. Has any step been taken to prevent such action? Such are the considerations which require very great thought. Then there is the whole class of devadasis whom the society has relegated to this unfortunate profession. If there are two or more devadasis in a place, such place may be at once invaded if this Bill is passed. Is it to be desired that such a thing should take place? It may be that time, education and social reform may remedy these evils.

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4-30 p.m. "We know how police cases are sometimes invented. Is it possible in such a case to allow the policeman to have complete power in spite of all the confidence that we may have in the new Commissioner? I know him to be an able officer. But it is difficult even for him to control the subordinate staff though he may be clever in dealing with them. Again, Sir, in a particular street the neighbours may not like each other and the police may be used as an instrument of oppression. This is a legislation of such a far reaching effect that it goes to the root of many of our practices. It is desirable that we should take the necessary precautions to have a successful law, for the carrying out of which we must take the public with us. After all this is a modest proposition for postponement for about three months in order to try and obtain public opinion. We can then carry out the suggestions that may be made as I hope there may be unanimity in such a case."

* Mr. K. R. Venkatarama Ayyar :—" Mr. President, Sir, I have listened carefully to the speech made with great enthusiasm by the hon Member for the University. I thought his enthusiasm and eloquence with which we are very familiar would have been reserved for nobler and holier causes than the present that he has taken up. I think the points he has attempted to make are hardly points worth the attention of the House and the delay which he seeks to interpose is not worth having regard being had to the results which he indicates we can secure by such a delay. It is the gathering of public opinion he wants. For the gathering of public opinion he says that this Bill be circulated for public opinion as if the subject with which this Bill deals is for the first time a topic of legislation in this country. This Bill is closely modelled on Bills which have already been passed into law by the Burma Legislative Council, the Bengal Legislative Council and the Bombay Legislative Council. The subject with which this Bill deals has attracted world-wide attention. The recent visit of the Committee of the Council of British Social Hygiene also drew public attention in a pointed manner to the evils arising out of the spread of brothels, and venereal diseases and the deterioration of public health in general. There was a very influential public meeting recently held about the 1st of September presided over by Sir Alexander MacDougall in which the opinion of the public of Madras was very strongly emphasised, that the Bill was already overdue and that public support should be accorded in an unhesitating and unanimous manner to the passage of this Bill in this House. The Bill itself was drafted by the Madras Vigilance Association which took upon itself this duty after considerable local experience, and the association got itself into touch with the then Commissioner of Police, Mr. Travers Philiphs, and I understand the representatives of the association have since been in touch with the present Commissioner of Police also, and some of the provisions of the draft are provisions which have had the concurrence and the favourable opinion, if not the active support, of these officials whose local experience of the conditions obtaining in the City of Madras is that the rapid increase of this vice is certainly not negligible. Now my Friend Mr. Satyamurti attempted to suggest that in the Statement of Objects and Reasons the evil that is sought to be counteracted by this piece of legislation is overstated. He has been attempting to suggest that I come from Madura and that if the evil was so great in the City of Madras the duty of sponsoring some such Bill should more properly have fallen on some Madras Member. I do not

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know that this is an argument which by itself is convincing. We do not know why no Madras Member has not thought of it but certainly those who have made themselves responsible for the drafting of this Bill are not people connected with the mufassal so much as with the City of Madras. The Vigilance Association consists of members, both officials and non-officials, ladies and gentlemen, who are resident in the City of Madras and who have very great experience of the conditions obtaining here. I have heard it said by the members of the association that almost next door to the premises of the Servants of India Society at Royapetta this particular nuisance has been quite intolerable. I mention that only by way of illustration. My hon. Friend Mr. Tulasiram mentioned Chengam Bazaar as another instance. There are, I suppose, several other instances, and medical practitioners in this city have their own experience arising out of their practice in the city. I think they will be able to vouch for the spread of this social evil in this city in a manner and to an extent which requires prompt and immediate attention. I do not think therefore that my Friend Mr. Satyamurti is correct in saying that the evil that is referred to is over-stated. I think, if anything, we have lost time in going ahead with this piece of legislation. He asks: 'Is Madura free from this evil? Why not you start with a piece of legislation for Madura before you think of Madras?' I say Madras is a more crowded city. Madras spreads this evil to a much larger extent than smaller towns. Madura, I know, is also suffering under this social evil and it requires attention. In order, however, to steer clear of the very criticism which my Friend Mr. Satyamurti has been urging, the point that is made in this Bill is that we shall first gain experience by working this Act in the City of Madras which is the biggest city in this province where this evil is more rampant than in any other place, and having gained experience we will extend it to other local areas. There is no time limit after which alone it is open to Government to extend this Bill to mufassal municipalities. This Bill does not propose to put off indefinitely its application to the mufassal centres. As early as a mufassal centre feels the need for the extension of this Act, immediately it will certainly take advantage of this piece of legislation and get it extended.

Then my Friend said that there are two sections, section 52 of the Madras City Police Act and clause 20 of section 71, which contain powers already for the Commissioner of Police to close a brothel and also the power for the magistrate to punish open solicitation in the streets. Undoubtedly there are those sections. The present Bill gets rid of those provisions. It substitutes more elaborate provisions and provides in the interests of greater public safety for a quasi-judicial investigation or enquiry by the Commissioner of Police which is not provided for in the City Police Act. A very long time has elapsed since Act III of 1888 was enacted and the very experience gained by the officials concerned in its administration has led up to the drafting of the fresh provisions, in its place, and in making these fresh provisions care has been taken to emphasise the point of view which my Friend Mr. Satyamurti himself wanted to put emphasis upon, viz., that instead of closing the brothel without an enquiry the Commissioner has now to make an investigation which is a quasi-judicial investigation on notice to parties concerned. Therefore it is no good saying that there are sufficient powers already. Those provisions do not contain anything like the provisions that we have in this proposed Bill in section 6 onward. This contains provisions for the rescue

of girls from these houses of shame and for their protection in suitable rescue homes. That is a provision which you do not find in the sections to which Mr. Satyamurti referred and it is a very important provision. The Government may have to bear the cost of such a rescue home, where these rescued girls will be kept and protected and the social service organizations such as the Seva Sadan may have to take charge of the management of such homes. There are also other sections which are new, such as those dealing with the importing of girls for prostitution into the City or inducing a girl or woman living in the City to carry on the business of prostitution, the detention of a girl or woman against her will in a brothel for prostitution and then procuration; all these are offences for which you do not find any provision in the City Police Act or any other existing enactment. These are not provisions which can be said to be not required in the interests either of public morality or of public health. I do not think that public opinion in the general sense is required to be gauged beforehand on all these topics. It is difficult to imagine public opinion not to require these safeguards in respect of the great interests of public health and social morality. On the other hand if by asking for public opinion Mr. Satyamurti and others who go with him merely mean that this Bill as drafted is not perfect and calls for careful consideration of the details, the Select Committee which if anything is over-strong, will get ample opportunity for the expression of public opinion and for the expression of diverse views not excluding the views of gentlemen like my Friend on this subject.

4-45 p.m. "All shades of opinion can be represented before the Select Committee, who may be asked to take evidence if necessary and make as detailed and full a report as may be expedient or necessary. Various municipal chairmen, health officers, medical practitioners and social workers may have an opportunity to place before the Select Committee differing views on this important subject, and in that way the point of view which my hon. Friend, Mr. Satyamurti presents, may be adequately safeguarded.

"My Friend then went into certain details as to custody, etc. Now there is no other custody for these young girls than brothels. The Social Service Leagues which have been doing good work will hereafter take care of them. There are Seva Sadan institutions which will take up the management of rescue homes. I think, when this Bill is put into proper shape, Government will fulfil their duty of providing adequate funds for such homes.

"Then, another point was attempted to be made because of some presumption in one of the clauses. These are details which I dare say will be adequately considered by those sounder and more democratic lawyers, who are also to be on the Select Committee, than myself. Again it is not merely missionary homes that will be available to take care of these girls. What if they are missionary homes? If they are willing to take up that work, certainly they are not unwelcome.

"It is wrong to suggest that, merely because the rule-making power is allowed in one of the sections to the Local Government, the Mover of the Bill or those behind him are absolutely devoid of constructive ideas on the subject ('Hear, hear'). Certainly, in matters of this kind, the germ of constructive ideas is in the Bill, and details of constructive ideas can be elaborated before the Select Committee, and afterwards, either more sections may be added if there are more matters of dominent importance or rules may

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be made. If the Government is not the most satisfactory body to be solely empowered with the power of making rules, the rule-making section can be adequately amended by associating with the Government such other agency as may be deemed proper, I think. Sir, this stage is the stage when there is adequate public opinion to make this Bill go forward at once before a competent Select Committee, and I think time will be wasted and opportunity will be lost if you put off this piece of very urgent social legislation. There is no justification for prolonged circulation for collecting opinions. The time has arrived, I think, for this Bill to go forward at once before a Select Committee."

* Dr. (Mrs). S. Muthulakshmi Reddi :—" Mr. President, Sir, I rise to oppose this motion for these reasons. People who have been connected with the social service organizations in the City, people who have been taking a good deal of interest in social purity work feel that this legislation has been overdue for this City. Do you know, Sir, Calcutta has got a Bill of this kind ; Burma has got one ; Bombay has got one ; and Ceylon has got one. In the Statement of Objects and Reasons it is said that this Bill is intended to protect minor girls and to punish procurers which is not provided for in the existing Police Act. There is a Vigilance Association that has been doing work in this direction for the last three or four years. I do not know whether the hon. Member for the University is in touch with that Association. I do not know whether he is in touch with the Children's Aid Society which has been in existence for the last four or five years. The Children's Aid Society is working under the provisions of the Children's Aid Act, and now it is accommodating a number of girl children in its home. There is a junior and senior certificate school attached to it, and it is being conducted by a committee of men and women. Most of the money for it, no doubt, comes from the Government because the public mind has not become enlightened enough as to the usefulness of this social service work. There, girls under eighteen are rescued and trained to become useful citizens.

" Now the main object of the Bill is to punish procuration. If I only state to this House some of the pathetic cases that have come to my personal knowledge because of my connexion with the Children's Aid Society and Home, I do not think this Council will delay this legislation any longer. There has been recently a case of an innocent girl of fourteen who came from the mufassal and who was decoyed to a brothel, because there are middlemen, called procurers, who are ready to take advantage of the helplessness of women and trade upon it. You know our women are not accustomed to a free life, and there have been cases where women have been taken away to unknown places by procurers. Again, there have been many cases before courts, and we are reading reports in the newspapers on the subject.

" No doubt, I agree with the hon. Member of the University when he says that he does not want to give more power to the police. I have been myself thinking of introducing an amendment so that the police may not be allowed to enter a place where minor girls are suspected to be without being accompanied by a woman social worker. It is our duty, it is the duty of medical practitioners and of social workers to help the police in that way. When this Bill goes before the Select Committee, necessary amendments may be made in that direction. There is no use circulating this at this stage

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for eliciting public opinion. The public do not take sufficient interest. They do not know what is taking place in some brothels. It is reported by reliable authorities that there are three hundred brothels in the City of Madras. A brothel is a concentrated area of social vice. It is a menace to family life; it is a menace to public morality and public health. How long are you going to tolerate this state of things? It is reported that there are a thousand prostitutes who are living on this social evil. The evil trade has to be suppressed. The sooner it is done, the better. I know personally that in certain quarters like the Elephant Gate Street in the City of Madras no respectable family member can go and live, because the whole street is full of brothels. There have been cases coming to me of women who have been seduced to those places, and I myself have gone to the Police Commissioner and reported, but the women could not be rescued. Those profiteers called procurers must be punished very severely as is done in other countries. In other civilized countries, there are laws existing which deal with this evil. This evil is one which cannot any longer be tolerated, which cannot any longer be ignored. The profiteers take advantage of the youthfulness and helplessness of these minor girls. Sir, I am not exaggerating in any way before this assembly the suffering and the torture these innocent minor girls undergo in brothels. In the name of humanity, in the name of the young children, are you not going to stop at once this exploitation of vice? No doubt, the police should not be given large powers and I am as much interested in it, because in any law which happens to be a social legislation women are more intimately affected. In this matter we can take lesson from the experience of the west. No doubt, good laws to protect the innocent have been made there. There have been unjust laws also and in all such laws the stronger sex has been protected more, while the weaker sex has not got the benefit of the law. So, I would appeal to this House that this Bill may be allowed to go before a Select Committee, when women social workers may be consulted and every precaution may be taken to prevent the police abusing their power.

"Then, Sir, with regard to the existing Police Act,—I have studied it myself—there have been complaints from the Police that it is not at all sufficient for the suppression of vice, because none can now enter a brothel and children and girls suffer most thereby. I know a girl of 9 and a girl of 11 have become infected and have been outraged. How are you going to stop it unless you give some more powers to the authorities concerned? No doubt, power has to be given under sufficient safeguards. In western countries they have got great organizations, they have got women police, who enter brothels and have the children examined medically. Women social workers have been trained for such work. It is women's work. Our educated women should be trained as in those countries that have already taken a lead in the matter. But please do not put this good legislation off in the interest of humanity and in the interest of the sacred rights of children, to close the brothels, the dens of vice, and depravity and crime. I think I have said enough to convince this House, and I feel very very strongly that this Bill should not be delayed any longer because of the serious consequences that will ensue and of the suffering and torture that will go on unmitigated for many a month to come. If you delay it any longer, it will not become law in the life of this Council. This Bill has been ready for the last two or

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three years. It has been drafted by an eminent lawyer of Madras, and if this Council accepts it, I know Government also will co-operate with it. The Government has already given its consent for the introducion of this Bill. No doubt, the Bill is not perfect as it is, but you can make it perfect, you can amend it in such a way that the public interest will be fully safeguarded, and at the same time those people who make a profit out of commercialized vice and who exploit the innocence and inexperience of young girls will be severely punished.

"Another matter is that connected with the Devadasi women. This Devadasi system should go. We cannot any longer allow a system that breeds impurity and immorality in our mind and no civilization should tolerate or connive at such a custom in the temples, the system that train young minor girls to become prostitues. Prostitution is a sin, it is a criminal act, because it has produced not a little harm to society, to family life, and to the nation. As such, I appeal that this Bill may not be delayed a moment longer and that this motion to circulate the Bill for public opinion be not consented to by this Council. I oppose the motion on grounds which I have already stated before this House, and say that the Bill may be allowed to go to the Select Committee, and in the Select Committee proper amendments may be made, so that this may be passed into law as early as possible.

"With these words, I oppose the motion."

Mr. Ramanath Goenka :—"I move that the question be put."

The hon. the President :—"The Council will now adjourn and reassemble at 11 a.m. to-morrow."

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

Appendix I.

[Vide answer to question No. 476 asked by Mr. P. Bhaktavatsulu Nayudu at the meeting of the Legislative Council held on the 10th October 1928, page 267 supra.]

(i)

G.O. No. 3346, Law (General), dated 22nd October 1927.

With reference to paragraph 3 of G.O. No. 135, Law (General), dated 17th January 1927, the Inspector-General of Police has submitted the following suggestions for securing better representation of the Crown in Criminal Appeals, viz. :—

(1) Notices of criminal appeals, with copies of the grounds of appeals, should be furnished to the Superintendent of Police, in order to enable him, if necessary, to prepare his instructions.

(2) A police officer of the district concerned should always be present to instruct the Public Prosecutor, Madras.

(3) The Public Prosecutor should have at least one assistant appointed by Government.

(4) The Public Prosecutor should correspond direct with the Superintendents of Police concerning cases.

2. The Government have considered these suggestions and are pleased to approve all of them except the third, regarding which separate orders will be issued.

3. The necessary amendments to the Criminal Rules of Practice will be made.

(ii)

G.O. No. 3751, Law (General), dated 25th November 1927.

In G.O. No. 3346, Law (General), dated 22nd October 1927, the Government accepted the suggestion, among others, of the Inspector-General of Police, that a police officer of the district concerned should always be present to instruct the Public Prosecutor in Criminal Appeals before the High Court. The Government now agree with the Public Prosecutor that this rule need not be made absolute, and that the deputation of police officers may be left to the discretion of the District Superintendents of Police, in consultation with the Public Prosecutor, if necessary. They also agree that the Superintendents of Police should be directed to ascertain from the Public Prosecutor in advance the exact date of the hearing of cases in which it is considered desirable to send an officer to instruct him. The Inspector-General of Police is requested to issue instructions accordingly.

2. The presumption of the Public Prosecutor, Madras, that the instructions from the Superintendent of Police referred to in paragraph (1) of G.O. No. 3346, dated 22nd October 1927, are additional to those furnish d by the District Magistrate, is correct.

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Criminal Appeals—Better Representation of the Crown—Instructions of the Public Prosecutor, Madras.

The following circular of the Public Prosecutor, Madras, No. 143, dated 5th March 1928, is published :—

[*Reference.*—G.O. Mis. No. 3346, Law (General), dated 22nd October 1927—G.O. No. ?751, Law (General), dated 25th November 1927.]

In accordance with the above orders of Government copies of notices in all criminal appeals are sent to Superintendents of Police by the High Court. Superintendents of Police decide in consultation with me if necessary whether a deputation of a police officer is necessary and intimate to the High Court whether an additional set of records will be required. Ordinarily in jury cases police officers need not be deputed. In criminal revision cases notices are sent by this office to the District Magistrate who in some cases forwards them to the Superintendents of Police. Ordinarily, in revision cases deputation of an officer is unnecessary.

II. Date of hearing.—(*a*) Criminal appeals, Referred Trials and References in jury cases to be heard before a Bench on a Monday will be posted in the rough list on the previous Tuesday when intimations will be sent to Superintendents of Police in cases where they have asked for such intimation and only after receipt of such intimation from this office, the officer deputed should proceed to Madras to instruct me.

(*b*) Criminal revision cases are ordinarily posted before a single Judge on Thursday and the approximate date of hearing in such cases is known seven days before the hearing.

(*c*) Sometimes officers come up on the date given in the notice issued by the High Court, but this date is only a formal one and *no case ordinarily comes on for hearing on the date given in the notice.*

III. Application for transfer.—(*a*) Under section 526 (6), Criminal Procedure Code, no application for transfer on behalf of the accused can be moved in the High Court unless 24 hours' notice is given to the Public Prosecutor. The High Court either calls for a report or adjourns the case to enable me to obtain instructions from District Magistrates, or dismisses the petition summarily. The petition, if adjourned, is posted to a specific date and I request that instructions may be sent before that date. In some cases the High Court awards costs under section 526 (6-A) which are recoverable under section 547, Criminal Procedure Code.

(*b*) In applications for transfer by complainants, the Court generally orders notice to me and in such cases instructions are obtained in the usual way.

(*c*) If any District Magistrate wants a case to be transferred from the file of one Sessions Court to another, requisition should be sent to me and I will then obtain orders of Government in accordance with the rules annexed to G.O. No. 646, Judicial, dated 4th April 1913.

IV. Bail.—Ordinarily no notice is given to the Public Prosecutor before moving an application for bail. Sometimes the Court after the application is moved directs notice to me and adjourns the case to a specific date to enable me to get instructions. Sometimes practitioners give me notice of

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their intention to apply for bail, in which case I apply to the District Magistrate for instructions. If District Magistrates or Superintendents of Police desire me to appear and oppose any application for bail which is likely to be moved in the High Court, the procedure laid down in G.O. Mis. No. 632, Public, dated 24th June 1926, should be followed.

V. Enhancement or reduction of sentence.—(*a*) In all cases in which the District Magistrate is of opinion that a sentence awarded by a Subordinate Magistrate ought to be enhanced or reduced, he may make a recommendation to the High Court under section 438, Criminal Procedure Code.

(*b*) If the District Magistrate thinks that a sentence awarded by a Sessions Court ought to be enhanced, he should make the recommendation to Government in accordance with G.O. No. 1494, Judicial, dated 25th September 1901.

(*c*) If an accused sentenced by the Sessions Court has appealed to or moved the High Court in revision against the order of the Sessions Judge, the District Magistrate can in such cases instruct the Public Prosecutor to move for enhancement of sentence—vide G.O. No 302, Judicial, dated 24th February 1910, and G.O. No. 1256, Judicial, dated 8th June 1915.

VI. Appeals against acquittals.—(*a*) In forwarding recommendations to Government for appeal against acquittals, District Magistrates are requested to put up the following records also :—

(1) Certified copy of the judgment of the lower Court and, if more than one court has dealt with the case, copies of the judgments of all the courts should be forwarded. *The certified copies need not be on stamp paper as the officers of Government have been exempted from stamp duty on judgments and copies of depositions.*

(2) Copies of evidence wherever possible.

(*b*) The information called for in this office Circular Letter No. 140, dated 23rd January 1928, to District Magistrates regarding the status of the accused may also be furnished.

VII. Attention is also invited to this office Circular Letter No. 141, dated 14th February 1928, requesting District Magistrates to send me formal instructions to appear in cases immediately after receipt of notice from this office.

APPENDIX II.

[Vide answer to question No. 480 asked by Mr. Abdul Hamid Khan at the meeting of the Legislative Council held on the 10th October 1928, page 272 supra.]

G.O. No. 1909, Judicial, dated 10th August 1880.

The "* Act for the appointment of persons to the office of Kazi" having been passed by the Legislative Council of the Government of India and become law, His Grace the Governor in Council resolves with reference to section 2 of the Act, to direct the officer in charge of the Government Agent's office, Chepauk, to consult with His Highness the Prince of Arcot, the hon. Mir Humayun Jah Bahadur, Mr. Muhammad Usuf Sahib, J. P Honorary Surgeon Mohideen Sheriff Khan Bahadur, and any other Muhammadan gentlemen whom he may consider necessary, and report to Government, at an early date, the names of one or more persons who may be considered fit to be appointed as Kazi in the town of Madras.

* No. XII of 1880.

(True extract)

——,
Chief Secretary.

To the Officer in charge of the Government Agent's office, Chepauk.

APPENDIX III.

[Vide answer to question No. 483 asked by Mr. Abdul Hamid Khan at the meeting of the Legislative Council held on the 10th October 1928, page 276 supra.]

G.O. No. 331, Political, dated 24th May 1899.

The Governor in Council directs that, in future, a minimum fee of Rs. 25 shall be paid to the Kazi of Madras for each case in which Government officers may obtain his opinion on questions of Muhammadan law and custom. In special cases it will be open to officers to apply to Government for sanction to a higher fee.

(True extract)

G. STOKES,
Chief Secretary.

To the Kazi of Madras.
,, Board of Revenue.
,, Departments of the Secretariat.

APPENDIX IV.

[Vide answer to question No. 502 asked by Mr. G. Harisarvottama Rao at the meeting of the Legislative Council held on the 10th October 1928, page 288 supra.]

(i)

Statement showing the number of attacks and deaths (cholera) in each taluk of Kurnool district from January to August 1928.

Serial number and taluk.	January.		February.		March.		April.		May.		June.		July.		August.		Total.	
	A.	D.	A.	D.	A.	D.	A.	D.	A.	D.	A.	D.	A.	D.	A.	D.	A.	D.
1. Pattikonda	Nil.		Nil.		Nil.		Nil.		6	2	22	8	94	27	75	32	197	69
2. Dhone	Nil.		Nil.		Nil.		Nil.		Nil.		Nil.		1	0	4	1	5	1
3. Kurnool	4	2	Nil.		Nil.		Nil.		Nil.		9	6	1	0	18	9	32	17
Kurnool M.T.	Nil.		Nil.		Nil.		Nil.		Nil.		Nil.		1	1	2	2	3	3
4. Nandikotkur	Nil.		Nil.		Nil.		Nil.		Nil.		Nil.		Nil.		29	17	29	17
5. Nandyal	Nil.		Nil.		Nil.		Nil.		Nil.		Nil.		137	67	563	300	700	367
Nandyal M.T. ..	Nil.		Nil.		12	5	2	0	Nil.		Nil.		101	36	571	223	686	264
6. Koilkuntla	Nil.		Nil.		Nil.		17	10	12	7	34	15	145	71	311	137	519	240
7. Sirvel	2	2	Nil.		Nil.		20	9	Nil.		13	7	497	223	684	274	1,216	515
8. Cumbum	76	35	41	18	96	41	2	2	5	4	1	1	269	108	1,566	734	2,056	943
9. Markapur	1	0	14	8	40	20	106	40	25	7	3	1	22	7	505	218	716	301
Total ..	83	39	55	26	148	66	147	61	48	20	82	38	1,268	540	4,328	1,947	6,159	2,737

Statement showing additional staff employed.

Number and Taluk.	Ordinary staff.	Additional special staff.	Date of appointment of special staff.	Date of termination.
1. Sirvel ..	One Health Inspector and Sub-Assistant Surgeons of Allagadda, Sirvel and Chagalmarri.	One Additional Health Inspector ..	22nd July 1928 ..	Still working.
		One First-class Vaccinator	15th July 1928	Do.
		One Special Sub-Assistant Surgeon ..	10th August 1928 ..	Do.
2. Nandyal ..	One Health Inspector and Medical Officers of Bandi Atmakur and Panyam dispensaries.	Two Additional Health Inspectors ..	One from 5th August 1928 and the other from 23rd Aug. 1928.	25th August 1928. Still working.
		One Vaccinator	20th July 1928	Do.
		Two Special Sub-Assistant Surgeons ..	One from 11th August 1928 and another from 30th August 1928.	1st September 1928. Still working.
3. Cumbum ..	Two Health Inspectors of Markapur and Giddalore and Medical Officers of Cumbum and Giddalore dispensaries.	One Additional Health Inspector ..	23rd August 1928 ..	Do.
		One First-class Vaccinator	23rd July 1928	Do.
		One Second-class Health Officer	5th August 1928	Do.
		Two Special Sub-Assistant Surgeons, one at Cumbum and another at Giddalore.	27th August 1928 ..	Do.
4. Markapur ..	Two Health Inspectors of Markapur and Yerragundapalem and Medical Officers of Markapur and Yerragundapalem.	One Special Sub-Assistant Surgeon ..	27th August 1928 ..	5th September 1928.
		Reserve Vaccinator	1st August 1928 ..	20th August 1928.
5. Koilkuntla ..	One Health Inspector and Medical Officers of Koilkuntla Nossam and Owk dispensaries.	Nil.	....	....
6. Nandikotkur.	Range Health Inspector	Nil.	....	....
7. Kurnool ..	Range Health Inspector and First-class Vaccinator.	Nil.	....	....
8. Dhone ..	Range Health Inspector	Nil.	....	....
9. Pattikonda ..	Do.	Nil.	....	....
Nandyal M.T. ..	One Sanitary Inspector, one Assistant Surgeon, one Sub-Assistant Surgeon.	One Special Sub-Assistant Surgeon ..	5th August 1928 ..	5th September 1928.

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Voluntary workers.

Nandyal M.T. and Nandyal and Sirvel taluks.	Dr. L. C. Roberts, M.R.C.S., S.P.G. Mission. Dr. J. Bunyan, L.M.P. Dr. C. D. Abrahaman. Miss Emmet. Sister Jones. Mr. G. Harisarvottama Rao, M.A., M.L.C. Dr. Sarma.
Markapur	Rev. Wathney.
Giddalore	Dr. Gopal Sarma, L.M.P.

Statement showing the number of anti-cholera inoculations done in Kurnool district.

Number and taluk.	Number of inoculations.							
	January.	February.	March.	April.	May.	June.	July.	August.
1. Kurnool	Nil.	Nil.	Nil.	Nil.	Nil.	120	Nil.	354
2. Nandikotkur	Nil.		Nil.	Nil.	Nil.	Nil.	Nil.	Nil
3. Dhone	Nil.		Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
4. Pattikonda	Nil.		Nil.	Nil.	Nil.	220	227	1,152
5. Nandyal	Nil.		Nil.	Nil.	Nil.	Nil.	158	6,430
6. Koilkuntla	Nil.		Nil.	Nil.	450	470	370	1,295
7. Sirvel	Nil.		Nil.	Nil.	Nil.	Nil.	3,410	4,815
8. Cumbum	655		813	50	Nil.	Nil	1,613	8,791
9. Markapur	Nil.		789	111	50	Nil.	Nil.	3,646
Total for the district ..	655		1,602	161	500	810	5,778	26,483

(ii)

Steps taken to combat cholera in the Kurnool district up to the end of August 1928.

January 1928.--In the month of January cholera occurred in epidemic form in only one taluk, i.e., Cumbum, which registered 76 attacks and 35 deaths, respectively. Nine villages were affected. The Health Inspectors of Markapur and Giddalore ranges visited all the villages promptly and took all the necessary preventive measures. The Medical Officers of Cumbum and Giddalore also visited the affected villages and conducted 655 inoculations.

Besides the epidemic in Cumbum taluk there were 4 attacks and 2 deaths in Kurnool taluk and 2 attacks and 2 deaths in Sirvel taluk. Those of the Kurnool taluk were the continuation of the epidemic in December 1927 and in Sirvel the cases were stray cases. These were promptly attended to by the Range Health Inspectors.

February 1928.—The only taluks affected in this month were Cumbum and Markapur. Cumbum registered 41 attacks and 18 deaths and Markapur 14 attacks and 8 deaths. Six villages were affected in Cumbum taluk and two villages in Markapur taluk. The epidemic of January continued in this month also. The Health Inspectors of Markapur and Giddalore ranges promptly visited the villages and took all the necessary preventive steps.

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March 1928.—The epidemic continued to exist in the same taluks, Cumbum and Markapur, in March. In Cumbum three villages were affected, one village very seriously and in Markapur three villages. Cumbum taluk registered 96 attacks and 41 deaths and Markapur taluk 40 and 20. The Health Inspectors of Markapur and Giddalore ranges were constantly visiting and re-visiting the affected villages and taking the preventive measures, but as all these villages are situated on the Gundalakamma river and as the people never resisted from drinking the river water and as the people did not follow the advice of the Health staff the epidemic continued. The District Health Officers and Medical Officers of Cumbum, Markapur and Giddalore visited the affected villages and conducted 1,602 inoculations besides taking all the preventive steps.

Nandyal municipality registered 12 attacks and 5 deaths in March. The Chairman reported that these were stray imported cases and that necessary preventive steps were taken by the Sanitary Inspector and the Sanitary staff.

April 1928.—In this month the epidemic in Markapur taluk continued, the town of Markapur being the chief sufferer. There were 106 attacks and 40 deaths respectively in this taluk. The Health Inspector was on the spot and took all the preventive steps in consultation and with the aid of the District Health Officer who visited the place, and the Sub-Assistant Surgeon. One hundred and sixty-one inoculations were also conducted. The disease was imported into Markapur from Nellore district. The first-class vaccinator was also posted for cholera duty in addition to the Health Inspector. There were 2 attacks and 2 deaths in Cumbum taluk, remains of the epidemic in the previous month.

In Koilkuntla taluk four villages were affected. Seventeen attacks and ten deaths were registered.

Sirvel taluk also reported 20 attacks and 9 deaths. Two villages were affected. The disease was imported from Markapur taluk.

The Range Health Inspectors of Koilkuntla and Sirvel visited the villages and took all the preventive measures.

May 1928.—The epidemic in Markapur taluk did not completely die out. In May there were 25 attacks and 7 deaths in that taluk. The Health Inspector attended to the preventive side and the Sub-Assistant Surgeon of Markapur did 50 inoculations.

In Koilkuntla taluk, one village was affected, attacks and deaths being 12 and 7, respectively. The Range Health Inspector and the Sub-Assistant Surgeon, Koilkuntla, promptly attended to the outbreak which was soon brought under control. Four hundred and fifty inoculations were also done.

In Pattikonda taluk the disease was imported into one village Pendekal by some pilgrims returning from Tirupati which was affected previously. Six attacks and two deaths were registered. The Health Inspector visited the village promptly and took preventive steps.

June 1928.—The epidemic in Pattikonda taluk continued till 9th June, the last attack occurring on that date. Twenty-two attacks and eight deaths were registered in June. The District Health Officer and the Health Inspector visited the village and took all the preventive steps including 220 anti-cholera inoculations.

In Kurnool taluk, two villages on the northern bank of the Tungabhadra just opposite the Kurnool town were slightly affected, attacks and deaths being six and two, respectively. The disease was imported from a neighbouring village in His Exalted Highness the Nizam's Dominions. The Health Inspector and the District Health Officer promptly visited the place and took all the necessary preventive measures. One hundred and twenty inoculations were also conducted in those villages by the District Health Officer. The disease was brought down quickly. Steps were taken to see that the town of Kurnool was not attacked by preventing the import of all food stuffs into the town from those infected villages.

About the later half of June the disease broke out in several villages in Koilkuntla taluk probably due to the fresh floods in the rivers as the villages affected were all situated on the river and the people resorted to taking the river water. Thirty-four attacks and 15 deaths were registered. Besides, the Range Health Inspector who visited all the affected villages and took the preventive measures such as disinfection and chlorination of wells, the District Health Officer also visited most of the villages and conducted 470 inoculations.

In Sirvel taluk, the disease commenced in the latter half of June. Four villages were affected, attacks and deaths being 13 and 7. The Health Inspector of the range attended to the infection.

July and August 1928.—As predicted by the Director of Public Health the months of July and August experienced a very severe epidemic of cholera throughout practically the whole district.

In the month of July, the taluks of Sirvel, Cumbum, Koilkuntla and Nandyal were seriously affected ; Pattikonda and Markapur also showed a mild infection. The taluks of Kurnool, Dhone and Nandikotkur were completely free. Nandikotkur taluk was infected only in the latter half of August by people coming into that taluk from Nandyal.

Nandyal municipality also was seriously affected. The disease was imported into the district from the districts of Cuddapah and Bellary. The number of attacks and deaths in each taluk is given in the annexed statement.

Owing to the seriousness of the epidemic the ordinary staff were not able to cope with the disease. Hence special staff was appointed.

The Medical officers of the existing Government and Local Fund Dispensaries rendered valuable assistance to the Health staff both on preventive and curative side. Besides, the ordinary staff and the special staff appointed, much help and assistance in stamping out the disease was received by the voluntary workers mentioned in the statement attached.

Almost all the affected villages were visited by the combined efforts of the Health staff, the Special staff and the Voluntary workers. The District Health Officer toured through Koilkuntla, Sirvel, Nandyal, Giddalore and Markapur taluks visiting most of the affected villages, conducting inoculations and assisting the Health staff.

The Assistant Director of Public Health (Fairs and Festivals) also toured through the affected taluks of Nandyal, Sirvel, Cumbum and Markapur taluks and gave valuable advice and instructions to the Health staff on the preventive measures to be taken.

All the local bodies except the Koilkuntla Taluk Board responded promptly to the requests of the Health Officer for the early supply of medicines and appointment of special staff.

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Although the District Health Officer made repeated requests to the President, Taluk Board, Koilkuntla, to appoint special staff and to supply the medicines promptly, he did not respond. Medicines for which indents were sent in June were supplied only in the middle of August. Since the President did not act promptly the District Health Officer approached the Collector and requested him to appoint a Special Sub-Assistant Surgeon which he at once did. Till the appointment of Special Medical officers inoculations could not be carried out vigorously in proportion to the severity of epidemic. But after the entertainment of special staff the advantage of inoculation was given to every affected village in August as many as 26,483 inoculations were done as compared to 5,778 for July 1928.

APPENDIX V.

[Vide item II—Communications to the Council at page 290 supra.]

REVENUE DEPARTMENT.

Note, dated 2nd October 1928.

Forests—Bodokhemidi—Seigniorage Rates—Increase.

The following report of the Court of Wards is placed on the Table with reference to question No. 1 asked at the meeting of the Council held on 3rd September 1928 and the answer given by the Hon'ble the Revenue Member to the supplementary question to that question:—

(*a*) The Estate Collector, Bodokhemidi, submitted to the Court of Wards in 1925 a list of the seigniorage fees levied on timber, fuel and other forest produce and the Court approved it subject to certain modifications after consulting the Chief Conservator of Forests in the matter. The Estate Collector reports that these rates have been in force since 1923, that the increase was only in the cases noted below and there was no subsequent increase—

First-class timber	Babuli.
Third-class split fuel	Grass and
Green fuel	Broomstick.

(*b*) Detailed enquiries were made by the local officers about the rates prevailing in this estate and in other big estates in the district, viz., Kallikote and Atagada and Parlakimedi, before the rates were proposed to the Collector for sanction. The Collector sanctioned them tentatively in August 1923. The rates in the adjacent Government forests are not lower than those obtaining in the estate.

(*c*) The increase was proposed in order to maintain uniformity with the rates prevailing in the forests of the other estates in the district and in the adjacent Government forests.

(*d*) *and* (*e*) Wood taken by the estate ryots for agricultural implements and for their *bona fide* domestic use as well as the fuel required by the ryots for their domestic use are exempt from the seigniorage rates.

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(*f*) The removal of wood required by the ryots for domestic and agricultural purposes was not entirely free during the late zamindar's regime. He imposed a forest royalty of one per cent on the annual rental of each village and allowed the ryots to remove wood not exceeding 6 inches girth for making ploughs or for their agricultural and domestic purposes.

(*g*) The late zamindar included the royalty in the mustajari leases of the respective villages and made the mustajars responsible for its payment. After the Court of Wards assumed management, the Manager of the Estate excluded this item from the leases and entrusted its collection to the forest establishment and the village officers. This deviation resulted in the accumulation of arrears. The old method of including the royalty in the leases was therefore adopted again. This method is now in force.

(*h*) *and* (*i*) The mustajari system applying both to forests and agricultural lands has not resulted in any hardship to the ryots. They even seem to favour it.

(*j*) This point does not arise as the Court of Wards has recently accepted the proposal to drop the question of reservation of estate forests in general.

Appendix VI.

[Vide item II—Communications to the Council at page 290 supra.]

COMMUNICATION TO THE COUNCIL.

With reference to the answer given to a supplementary question to Question No. 261 at the meeting of the Legislative Council held on 8th September 1928, the following statement is laid on the table :—

Statement showing the number of shops closed or opened in the Ceded districts after the formation of the Excise Advisory Committees.

Districts.	Shops closed.						Shops opened.					
	Arrack.		Toddy.		Ganja.		Arrack.		Toddy.		Ganja.	
	Number.	Annual rentals.	Number.	Annual rentals.	Number.	Annual rentals.	Number.	Annual rentals.	Number.	Annual rentals.	Number.	Annual rentals.
		RS.		RS.				RS.		RS.		RS.
Cuddapah (*a*) ..	9	1,686	1	504	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
Anantapur (*b*) ..	Nil.	Nil.	3	2,604	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.	Nil.
Bellary (*c*) ..	4	840	Nil.	Nil.	Nil.	Nil.	1	2,544	Nil.	Nil.	1	708
Kurnool ..	Nil.	Nil.	Nil.	Nil.	Nil.	Nil	4	7,056	2	8,520	1	1,116

(*a*) Excludes two arrack shops which were closed during the previous lease.

(*b*) Excludes five arrack and three toddy shops which were closed during the previous lease.

(*c*) Excludes three arrack shops and one toddy shop which were closed during the previous lease.

NOTE.—The shops newly opened were opened with the consent of the Excise Advisory Committee concerned.

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